

(2025) 11 DEL CK 1792

In the Delhi High Court

Case No : Writ Petition (Crl.) No.793 Of 2017 & Criminal Miscellaneous
Application Nos.16639 Of 2017, 8850 Of 2024

**Courts On Its Own Motion In Re: Suicide Committed By Sushant Rohilla,
Law Student Of I.P. Univer**

Date of Decision : 03-11-2025

Acts Referred:

Constitution of India, 1950 — Article 21, 227
Code of Criminal Procedure, 1973 — Section 173, 174
Indian Penal Code, 1860 — Section 306
Advocates Act, 1961 — Section 7(h), 7(i), 10(2)(b), 24(1)(c)(iii), 24(1)(c)(iiia), 49,
49(1)(af), 49(1)(ag), 49(1)(d)
Bar Council of India Rules, 1975 — Rule 10, 12, 24, 25, 26III, 26IV

Citation : (2025) 11 DEL CK 1792

Hon'ble Judges : Prathiba M. Singh, J; Amit Sharma, J

Bench : Division Bench

Advocate : Dayan Krishnan, Sukrit Seth, Aakash Lodha, Shreedhar Kale,
Sanjeevi Seshadri, Monika Arora, Subhrodeep Saha, Prabhat Kumar, Bhaskar,
Ashok Mahajan, Raajan Chawla, Gautam Chauhan, Shyam Singh, . Anju Bhushan
Gupta, Aditya Goel, Sanyam Gupta, Anil Soni, Devvrat Yadav, Bharathi Raju,
Ashish K. Dixit, Shivam Tiwari, Avnish Ahlawat, N.K. Singh, Laavanya Kaushik,
Aliza Alam, Mohnish Sehrawat, A. Chadha, Pragya Parijat Singh, Jayita Verma,
Lashay Saini, Shriya Singh, Piyush Sharma, Shivam Dubey, Anuj Kumar Sharma,
T. Singhdev, Abhijit Chakravarty, Yamini Singh, Aabhaas Sukhramani, Keshav
Datta, Rupal Luthra, Ginny J. Rautray, Devika Thakur, Ranvijay Singh, Preet Pal
Singh, Tanupreet Kaur, Akansha Singh, Madhukar Pandey, Yash Saini, Atul
Kumar, Sweet Singh, Rahul Pandey, Ashutosh Upadhyay, Harsh Kumar,
Himanshu Raj, Sudipta Singha Roy, Neeraj Verma, Parmanand Gaur, Vaibhav
Mishra, Megha Gaur, Amitesh Kumar, Priti Kumari, Pankaj Kumar Ray, Siddharth
Panda, Anil Pandey

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

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1. This hearing has been done through hybrid mode.	
I. FACTUAL BACKGROUND	
2. The present matter arises out of an unfortunate incident which had resulted in the loss of a young life, namely Mr. Sushant Rohilla (hereinafter “the deceased student”), on 10th August, 2016. The deceased student was pursuing the five-year B.A.LL.B. degree in one of the private law colleges in Delhi, NCR region i.e., Amity Law School (hereinafter “the concerned law school”), which was then affiliated to the Guru Govind Singh Indraprastha University (hereinafter “GGSIPU”).	
3. In respect of the said incident, a letter dated 20th August, 2016 was addressed to the then Hon’ble Chief Justice of India, by one Mr. Raghav Sharma, who had sought help and assistance in respect of the same. Mr. Sharma was a friend of the deceased student and he had alleged that the latter was subjected to mental torture and harassment by a particular teacher of the concerned law	

school. The deceased student was stated to be the convener of the Debating Society and an active participant in Moot Court activities. He was also stated to be mentoring junior students in the concerned law school for moot court and debating events, and he continued to do so even after suffering from a physical injury.

4. It was stated in the said letter, that as the deceased student could not maintain 75% attendance, prescribed by GGSIPU, he was forced to repeat an academic year by the concerned law school. It was alleged in the said letter that due to continuous harassment from the faculty and the particular teacher, as also the administration, the deceased student committed suicide. The crux of the said letter was that the detention of the deceased student due to lack of attendance forced him to take this extreme step.

5. The said letter, in the form of a letter petition, prayed for conducting an enquiry into the cause of the unfortunate incident through an independent committee constituted by the Supreme Court. It was also prayed that the Supreme Court may take cognizance of the larger issue i.e., handling of mental health problems of students in Institutes of Higher Education across the country. The prayer in the said letter petition reads as under:

"10. Though there exists a report by Raghavan Committee formed by the Hon'ble Supreme Court of India in SLP No.(s) 24295 of 2006 which caters to the menace of Ragging but the tormented psychological state of students in colleges and universities due to mental harassment by the authorities and professors is still waiting for cognizance. Hence, in light of all the events I have put forth above, it is humbly requested from the Hon'ble Supreme Court to take cognizance of this matter and perhaps constitute an Independent Committee which will not only go in depth to the case of Sushant's harassment and torture by the respective professor and ignorance of all this by other authorities but thereafter also formulates rules

and regulations for all colleges and Institutes of Higher Education across the country to look into the mental health issues faced by students due to such reasons. I would be happy to make myself available for any committee and any inquiry looking into this matter"

6. This letter was placed before the PIL Committee of the Supreme Court, which directed the same to be registered as a writ petition. Accordingly, the matter was considered on 05th September, 2016 and on the said date the following order was passed:

"Heard.

We request Mr. F.S. Nariman, learned senior counsel to assist us in this matter. A copy of the writ petition paper-book shall be furnished to Mr. F.S. Nariman by the Registry. Mr. Siddharth Luthra, learned senior counsel who has entered appearance on behalf of Amity Law School and Mr. Ashok Mahajan are free to file

any response/documents.

Post after the needful is done.”

7. Thereafter, on 6th February, 2017, considering the facts of the case, the Supreme Court had sought an affidavit from the founder and President of the concerned law school in respect of the steps taken by him in response to the emails written to him by the deceased student. The matter was then considered on 06th March, 2017, on which date the writ petition was transferred to this Court. The said order reads as under:

“Let this writ petition be transferred to Delhi High Court, to be heard and decided on merits in accordance with law.

Parties may appear before the High Court on 14.03.2017. Let the record of the case be transferred.”

II. CRIMINAL PROCEEDINGS BEFORE THE CONCERNED MAGISTRATE

8. Parallely, in respect of the said incident, FIR No. 153/2017 was registered on 10th August, 2017 at P.S. Sarojini Nagar under Section 306 of the Indian Penal Code, 1860. In the said FIR, the statements of the family members of the deceased student were recorded. It is noted that the said FIR was registered pursuant to complaints filed by the sister of the deceased student on 17th August, 2016 and 20th September, 2016. It was alleged that the deceased student was mentally and physically tortured by the authorities of the concerned law school, including one of the Professors. It was also stated by the sister of the deceased student that her parents were never informed regarding shortage of attendance of her brother, either via email or any other form of communication.

9. Further to registration of the said FIR, the investigation was transferred to the Crime Branch, Delhi Police. Investigation was conducted during which statements of various individuals, including the accused persons, friends and batchmates of the deceased person as also the administration of the concerned law school were recorded. In addition, the original attendance sheets and relevant documents etc., were also collected by the police. The investigation concluded that there was no specific evidence to suggest that instigation, provocation, conspiracy or any motive/intention on the part of the accused persons to constituted abetment to suicide of the deceased student. Accordingly, a closure report was filed by the Crime Branch before the concerned Magistrate on 8th January, 2018.

10. The sister of the deceased student had also preferred a protest petition in respect of the closure report filed by the police. The said protest petition along with the closure report were considered by the Id. Additional Chief Judicial Magistrate-02, Patiala House Courts, New Delhi in Cr. Cases 11016/2017.

11. Vide order dated 3rd October, 2024 the Id. ACJM accepted the closure report filed by the police. The Id. ACJM recorded that in the investigation, the enquiry conducted had revealed that a total of 19 students of the concerned law school

were debarred due to shortage of attendance. The deceased student was also one of them, who was debarred from appearing in 6th semester examination, since, as per GGSIPU and the Bar Council of India (hereinafter "the BCI"), the mandatory attendance required was 75%. It was also found that along with the deceased student, three more students were barred from taking the 6th semester examination. Further, the attendance, which was marked to the deceased student, was not disputed by him, either verbally or through written communication.

12. Moreover, the Id. ACJM observed that there were additional facts pleaded in the protest petition along with new documents and statements of witnesses which were not part of the complaints filed earlier. In view of the above, the Id. ACJM came to the conclusion that there was no active or direct act of instigation on part of the accused persons, which led to the suicide of the deceased student. The relevant findings of the Id. ACJM in order dated 3rd October, 2024 reads as under:

"35. During the course of investigations, statements of close friends of deceased were recorded and none of them stated that the deceased was depressed or was aggrieved by any act of the college authorities. Undoubtedly, being detained/debarred from exams is a major event in any student's life, and is likely to have an upsetting and disturbing impact on him. However, merely because the deceased was stopped from appearing in exams due to attendance shortage or disallowed from participating in moot court competition due to this reason, cannot be termed as a deliberate step by the colleges authorities to provoke or instigate the deceased to take such a drastic step as committing suicide. It can also not be termed as abetment or instigation by the college authorities for him to commit suicide.

XXXX

40. There is nothing on record to show that he was singled out or that his detainment from exams or debarment from appearing in moot court competition was part of a conspiracy or done with the mens rea to drive him to commit suicide. Material on record does not show any instigation, provocation, conspiracy and clear motive on part of officials of ALSD in the last days of the deceased's life.

41. In light of the legal position cited above, it has to be concluded that there is no material on record which indicates commission of offence punishable under Section 306 IPC. In this view of the matter, the cancellation report is accepted."

13. Thus, the criminal complaint was closed on the above basis. However, considering the additional facts accompanied with additional documents and statements of new witnesses in the protest petition, the Id. ACJM directed the same to be registered as a fresh complaint. The said complaint is pending before the concerned Magistrate.

III.(A) PROCEEDINGS IN THE WRIT PETITION

14. Further to the order of the Supreme Court on 6th March, 2017, the present petition was listed for the first time on 14th March, 2017, on which date notice was issued to the GGSIPU and the petition was directed to be renamed to its present title. The sister of the deceased student had preferred an intervention application which was also allowed by the Court on the said date.

15. On 16th May, 2017, considering the nature of the matter, the Court had appointed Mr. Dayan Krishnan, Id. Senior Advocate as the Amicus Curiae to assist the Court in this matter. Thereafter, on various dates the Court heard arguments on behalf of the parties, including the concerned law school, the accused persons and Delhi Police, as also the sister of the deceased student.

16. Status reports were filed by the Delhi Police, from time to time, in respect of the investigation conducted in the FIR No. 153/2017. After hearing the Id. Counsel for Delhi Police and considering the status report dated 10th November, 2017, the Court on 10th November, 2017 directed the Delhi Police to file a final report under Section 173 of the Code of Criminal Procedure, 1973 within a period of six weeks. In terms thereof, on 12th January, 2018, the Delhi Police had informed the Court that a closure report/cancellation report has been filed before the concerned Id. ACJM on 8th January, 2018.

17. On 22nd February, 2024, the Court was informed that a closure report has been filed in the criminal case pending before the Id. ACJM, and a protest petition has also been filed by the sister of the deceased student. However, no decision has been taken by the Id. ACJM in respect of the same. In view of the same, the Court had directed on 22nd February 2024, as under:

"3. In view of the above, while exercising powers under Article 227 of the Constitution of India, we, hereby, direct the learned Trial Court to decide the cancellation report and related protest petition within two months from the next date fixed before it after giving an opportunity to learned counsel for the parties concerned. Needless to say, learned Trial Court shall decide the same without being influenced by the observations made in any of the orders passed by this Court in the present writ petition and without prejudice to the proceedings pending before this Court."

18. The said period of two months for deciding the closure report and protest petition thereto, as directed by the Court on 22nd February, 2024, was extended for another two months vide order dated 24th July, 2024, on the request of the sister of the deceased student.

19. Thereafter, on 9th September, 2024, the Court had directed the Id. Counsel for Respondent No. 1 – concerned law school, to seek instructions if they would be willing to make ex-gratia compensation to the family of the deceased student. The relevant direction in the order dated 9th September, 2024 reads as under:

"33. Insofar as the Respondent No.1 is concerned, Id. Counsel for Respondent

No. 1 shall also seek instructions if the Respondent No. 1 is willing to make any ex-gratia compensation to the family of the deceased-student who, unfortunately, passed away.”

20. On 14th November, 2024, the Management of the concerned law school and the family of the deceased student arrived at an out of Court settlement. The parties agreed that all pending cases shall be closed, including the FIR No.153/2017 which was filed by the sister of the deceased student was agreed not to be proceeded with by the family. The same was recorded on 14th November, 2024 as under:

“7. Insofar as, the student whose unfortunate demise had occurred is concerned, the family of the said student which includes the parents Shri Jagdish Kumar, Smt. Sushila as also the sister Ms. Mehak Rohilla Datta and the law school concerned have arrived at an out-of-Court settlement, whereby it has been agreed that all the pending cases qua the parties shall be closed.

8. It is a matter of record that FIR No. 153/2017 P.S. Sarojini Nagar had been registered under Section 306 of the IPC. Upon completion of investigation, the Crime Branch filed a closure report before the concerned ACJM. Finally, vide the order dated 3rd October, 2024 the Id. ACJM in a detailed judgment held that there is no material which includes commission of any offense under Section 306 of the IPC and accepted the cancellation report dated 6th January 2018. The sister had filed a protest petition, which was, however, directed to be registered as a complaint case separately. The operative portion of the said judgement dated 3rd October, 2024 is set out below:

“41. In light of the legal position cited above, it has to be concluded that there is no material on record which indicates commission of offence punishable under Section 306 IPC. In this view of the matter, the cancellation report is accepted.

42. Protest petition filed by the complainant is treated as a complaint case and is directed to be registered separately.”

9. In view of the out of Court settlement which has been arrived at between the family of the deceased and the concerned Law School and satisfaction of the settlement terms, the sister undertakes not to proceed with the protest petition which is converted into a private complaint. A copy of this order is directed to be placed before concerned Ld. ACJM for necessary information and compliance.

10. Insofar as CRL.M.P. 19694/2016 filed in the present writ petition is concerned, the said application is merely for intervention and for making submissions before the Court. In view of the fact that the out-of-Court settlement has been arrived at, the said application is also disposed of as withdrawn. However, Counsel representing the family of the deceased may continue to assist the Court on the larger issues.

11. The applications CRL.M.P. 19694/2016, CRL.M.A. 13198/2017 & CRL.M.A 3556/2018 are withdrawn and disposed of as settled.

12. The names of Respondents No. 4 and 5 who are Professors in the law school, shall stand deleted from the array of parties. However, Amity Law School, Delhi shall remain as a party only for assistance to the Court and no allegations against Amity Law School, Delhi or the associated Amity University, shall be pressed any further or considered.”

21. Thus, insofar as the family of the deceased student and the concerned law school itself are concerned, an out of the Court settlement has been arrived at and no further orders are to be passed in this regard in the present petition.

III.(B) PROCEEDINGS IN THE WRIT PETITION – ‘SUSHANT ROHILLA INTERVENTION’

22. The proceedings in the present petition continued parallel to the criminal proceedings mentioned above. However, in addition to considering the particular case of the deceased student, the Court also seized the larger issues arising from the unfortunate incident in respect of -

(i) setting up of Grievance Redressal Committees (hereinafter “GRCs”) in all Institutes of Higher Education, and

(ii) reconsidering the mandatory attendance requirements prescribed for different courses.

23. In the present petition which the Court has been hearing since 2017, various directions have been passed from time to time in respect of reforms necessary to be brought about in Institutes of Higher Education, to create an environment conducive to learning and effective handling of issues plaguing students. In order to appreciate the continued efforts of the Court as also of various stakeholders participating in the present proceedings, it would be necessary to capture the relevant directions passed by this Court from time to time.

24. On 8th March, 2019, the Court directed GGSIPU to file an affidavit addressing the steps taken post the demise of the deceased student, in respect of various issues, including students’ awareness about the GRC in their respective colleges. The relevant portion of the said order reads as under:

“ Mr. Mukul Talwar, the learned Senior Counsel appearing on behalf of the respondent No. 2-Guru Gobind Singh Indraprastha University (hereinafter referred to as 'the University'), seeks and is granted four weeks' time to file an affidavit detailing the steps taken by the University in the past two years after the unfortunate demise of a student, as to what steps the University has taken i) to ensure that all students of its affiliated Colleges are informed about the availability of the Grievance Redressal Committee, which the students could approach in case of any grievance against affiliated College ii) that there is appropriate counselling facility available to students in distress and iii) as to whether the University officials have ever visited any of the affiliated institutions to ascertain the existence and ready availability of the aforesaid facilities.

The affidavit shall be accompanied with the Notifications/Directions issued by the University to its affiliated Colleges with an advance copy to the learned Amicus Curiae and the learned counsel for the parties.”

25. On 17th May, 2019, the Court had been informed on behalf of GGSIPU that the said University has issued an advisory dated 18th July, 2017 in respect of the mechanism qua GRC. It was stated that the same shall be uploaded on its website and shall also form part of the prospectus to be issued by the 110 affiliated colleges. In addition, the Court’s attention was also drawn by the Id. Counsel for the Intervenor, to the notification dated 23rd March, 2013 issued by the University Grants Commission, which requires an elected student representative to be a part of the GRC as a special invitee. In view of the same, the Court had directed GGSIPU to make the appropriate amendments to the composition of GRC, applicable to all its affiliated colleges.

26. On 24th May, 2019 the Court, after hearing the Id. Counsel for GGSIPU, had directed that till the time a student representative is elected to the GRC, a nominated student representative shall participate in the same. Further, considering the impending admissions for the academic session 2019-20, it was deemed appropriate to issues notice to other Universities functioning in Delhi in respect of establishment of GRCs and inclusion of a student representative therein.

27. The Court, while recognising the urgent necessity for creating infrastructural changes in Institutes of Higher Education through judicial intervention, for addressing the grievances of students, passed certain directions in respect of GGSIPU, vide order dated 12th July, 2019. The said directions were passed with the intention to initiate steps to ensure that no untoward accidents result in the loss of a student’s life. Hence, the Court deemed it fit to name the same as ‘Sushant Rohilla Intervention’. The relevant portion of the order dated 12th July, 2019 reads as under:

“ Additionally, (i) the University will constitute not less than ten teams comprising at least two of its senior administrative/faculty members to visit each of the affiliated colleges and inspect arrangement/constitution of the Grievance Redressal Committee, on which there shall necessarily be a Student Representative; (ii) the University shall also inspect the availability of requisite number of Counsellors/Psychologist and/or Psychiatrist, as may be to attend to the needs of the students of an affiliated college; (iii) the infrastructure and the location of the consultation rooms, for students in distress should be such, that any student visiting the Counsellor/ Psychologist, is able to do so discretely; (iv) the University will impress upon and ensure from its affiliated colleges that there exists an atmosphere and sense of re-assurance in the colleges, that the educational institution does care for the students’ well-being and that there exists a responsive mechanism for administration of their grievances; in other words the students should feel re-assured that the institution would promptly attend to them in case of a grievance against a teaching faculty, administrative

staff or any other issue concerning the educational institution, and also that a student in distress can discreetly reach-out to trained counsellors, psychologists etc.

This exercise has been initiated in the context of the unfortunate demise of a young student of law, Mr. Sushant Rohilla. The objective of the current exercise is to ensure that educational institutions imparting undergraduate and graduate courses have the requisite infrastructure to deal with students in distress or who may have a grievance against the college administration or its faculty or staff and that the grievance system is responsive, so as to avoid any untoward incident in the life of the student. It would be in the fitness of things that the adequacy of the aforesaid arrangements be given a nomenclature, which always conveys a sense of immediacy for provision of such infrastructure and arrangement. In the circumstances, the provision of suitable and adequate infrastructure in the educational institutions in the NCT of Delhi through this judicial intervention, shall be called the 'Sushant Rohilla Intervention'.

The learned counsel appearing for the sister and family of late Mr. Sushant Rohilla have no objection to the aforesaid nomenclature."

As per the above order, the GGSIPU was directed to constitute inspection teams consisting of senior administrative/faculty members to visit the affiliated colleges in respect of constitution of GRCs as also to verify the availability of Counsellors/ Psychologists, and the infrastructure for the same. The Court had also advised the University to impress upon colleges to make the students feel assured that their grievances would be addressed effectively.

28. On 23rd August, 2019, the Id. Counsel for BCI had informed the Court that BCI, in exceptional circumstances, condones shortage of attendance, upon being informed of the same by the concerned college. Further, time was sought to suggest a mechanism to be put in place for the information of all students in respect of the circumstances in which the BCI condones the shortfall in attendance. After hearing the Id. Counsel, the Court had directed as under:

"The learned counsel for the Bar Council of India states that the said Council does make an exception in justified circumstances for condoning the shortfall in attendance, provided a request for the same is routed to it from the institution concerned. He seeks to bring on record such instances of condonation of lesser attendance for the past five years, and to suggest a mechanism which could be put in place and be known to the students of all law colleges accredited to and affiliated with the Council. Let an affidavit in this regard, be filed before the next date of hearing."

29. On 29th November, 2019 the Court had heard the Id. Counsel appearing on behalf of the Intervenor i.e., the sister of the deceased student. It was her submission that the faculty of professional colleges, especially law schools, need to be sensitized and equipped with soft skills to handle the grievances of students. In this regard, the Id. Counsel was permitted to file the report by a

psychotherapist which was also considered by the National Law School of India University.

30. During the course of proceedings, in addition to the two major issues, the Court had also considered other aspects affecting the students and their careers. One such issue is in respect of the internships which a law student is mandated to undergo during the course of study. In this regard, on 10th January, 2020, the Id. Counsel for BCI had made an oral assurance that the arrangements for securing internships would be made by the BCI and Law Schools itself, especially, with Regulatory Bodies, Law Firms, Senior Advocates etc. The relevant portion of the order dated 10th January, 2020 reads as under:

“ Mr. Harsh Kumar Sharma, the learned counsel for the Bar Council of India (BCI) seeks time to bring on record the list of senior lawyers, who have agreed to provide internship to law students, in terms of Rule 26 of Part-IV, Schedule-III of the Bar Council of India Rules. He assures the Court that henceforth, the Bar Council of India shall ensure that the arrangement and placement for Internship shall be ensured by the BCI and by the law school itself and the students will not be required to make arrangements for their internships at Regulatory Bodies, Government Organization, Law firms. Advocates, etc., on their own.

The Bar Council of India (BCI) shall also furnish the details, as to how they ensure that the minimum prescribed number of classes which are required to be held by the Law Schools for students in each Semester are actually held, in terms of Rule 10 of Part-IV of the Bar Council of India Rules.”

31. In terms of the directions passed on 23rd August, 2019, the BCI had placed on record a short affidavit which was considered by the Court on 7th February, 2020. The said short affidavit failed to address the concerns raised by the Court as also to provide any substantial information qua the submissions and assurances made by the Id. Counsel for the BCI. The relevant portion of the order dated 7th February, 2020 reads as under:

“The affidavit in effect is silent apropos the directions of this Court on the “suggestion of a mechanism which could be put in place and be known to students of all law colleges, of the circumstances in which the BCI could condone the shortfall in academic attendance”. Clearly, the Bar Council of India has disregarded the issue and has kept quiet despite a lapse of more than six months.

On a specific query put to the learned counsel for Bar Council of India qua the arrangements made by it for four weeks’ compulsory internship to be undertaken by the students, there is no worthwhile answer except for the modalities that are being worked out by Bar Council of India, upon the information being received from State Bar Councils. This answer is not of much assistance.

It is stated that on a rough estimate, looking at the number of colleges affiliated with the Bar Council of India, there are around 1,20,000/- students seeking internship in a semester. The learned counsel seeks more time to assist the Court

in this regard, and to give us accurate figures apropos the number or percentage of students who actually get internship and practical experience in terms of Part IV Schedule III Rule 25 of Bar Council of India Rules, and who assist as interns in criminal and/or civil case trials, for four weeks in terms of Rule 24. Young students coming from small towns and other mufassil towns may not be able to make sufficient arrangements for internships. When students are unable to secure such internships surely it will be a matter of immense concern for them and may as well lead to loss of confidence, and perhaps humiliation and embarrassment as well, thereby putting them under psychological pressure. Lest such situation add to stress and subsequent harm to the students themselves, we are of the view that the said rules require reconsideration.

The Part IV Schedule III Rule 26 of the Bar Council of India Rules requires the preparation of list of senior lawyers willing to guide and take students under internship. The same is reproduced as under:-

"26. District-wise list of Senior Lawyers willing to guide students under internship. – The State Bar councils shall be required to prepare a list of suggested Senior Advocates District-wise with at least ten years experience who are willing to take under internship students during the vacation period. The Bar Council of India shall then publish the list of senior lawyers willing to guide students under internship in the web-site as well as make the list available with the Institutions."

On 10.01.2020, this Court had directed inter alia:

"Mr. Harsh Kumar Sharma, the learned counsel for the Bar Council of India (BCI) seeks time to bring on record the list of senior lawyers, who have agreed to provide internship to law students, in terms of Rule 26 of Part-IV, Schedule-III of the Bar Council of India Rules. He assures the Court that henceforth, the Bar Council of India shall ensure that the arrangement and placement for Internship shall be ensured by the BCI and by the law school itself and the students will not be required to make arrangements for their internships at Regulatory Bodies, Government Organization, Law firms, Advocates, etc., on their own."

No such list as stipulated under the aforesaid Rule is available on the web-site of Bar Council of India. There being a systemic lack of support from the BCI itself. The implementation of the Rule 25 is doubtful. Furthermore there is no obligation cast upon the senior lawyers to train interns. The learned counsel for Bar Council of India seeks time to obtain instructions as to whether the Council would voluntarily suspend the said Rules, till the requisite data base and a responsive mechanism is set in place."

32. As is clear from above, initially, setting up of a GRC in all Universities and colleges and making available internships, was focused upon in this petition. Thereafter, as reflected in the order dated 21st August, 2024, the stand of various regulatory authorities, academic institutions, in respect of mandatory attendance requirements was also considered. On 21st August, 2024 the Court

had observed as under:

"13. In the opinion of this Court, the crux of the issue that arises is whether attendance requirements ought to be mandatory in undergraduate or postgraduate courses. This issue deserves to be addressed at a much higher level rather than restricting it to any specific course/college/university/institution. Regulatory bodies as also some universities have in their statutes/ordinances, historically, prescribed mandatory attendance requirements. In the opinion of this Court, the same may require reconsideration, especially bearing in mind the teaching methods which have substantially changed including post the COVID-19 pandemic. In recent times, it is not unusual for colleges and universities to hold classes virtually, to hold examinations virtually or via online platforms.

14. The issue of mandatory attendance is also a cause for concern in the younger generation who perceive the same in a completely different manner than was traditionally thought. Education is no longer restricted to class room teaching or text book education and, in fact, has been extended to more practical areas. Addition of skills has been given greater focus in recent times through programs such as SKILL INDIA, for e.g., through the National Skill Development Corporation (NSDC).

15. There is an imminent need, therefore, to have reconsideration of norms of attendance in general, whether it ought to be made mandatory at all or what should be the minimum required standards of attendance or should attendance be encouraged rather than penalties being imposed for lack of attendance etc.

16. The mental health of students, which is also affected due to the mandatory attendance norms needs, to be borne in mind while reconsidering attendance requirements. The role of grievance redressal mechanisms in educational institutions and their establishment is required to be streamlined. There may be a need for making a distinction between professional and nonprofessional courses so far as attendance requirements is concerned.

17. It is not uncommon for youngsters who finish school to also be employed and parallelly pursuing education in order to support themselves and their families. Such situations also need to be borne in mind.

18. Further, attendance requirements may or may not be the same in urban and rural areas where technology may not be fully permeable. Attendance may have to be positively encouraged rather than shortage being penalised by debarring from exams etc.

19. It is not uncommon for students to now learn subjects which could even be extremely complex, scientific subjects or mathematics through videos which are uploaded on the internet.

20. Global practices followed by leading educational institutions around the world would also need to be analysed to see whether mandatory attendance requirements are even required. In the opinion of this Court, teachers and

students need to be consulted in order to consider what should be the standards of attendance. Wider consultation would also be required to be undertaken to have a relook at the need to have mandatory attendance.”

33. Notices were then issued to various other regulatory authorities, including All India Council for Technical Education, National Medical Commission, as also the Department of Education, Union of India. Affidavits have been received from several academic institutions and academic regulatory bodies. On 9th September, 2024, this Court issued the following directions:

“32. In these circumstances, the following directions are issued:-

a) the UGC as also the Secretary Ministry of Education through the Department dealing with Higher Education shall issue a circular across the country to all educational institutions at undergraduate and postgraduate level to, as a last opportunity, to constitute their Grievance Redressal Committees within two weeks, failing which action would be taken as per law;

b) the Secretary Ministry of Education dealing with Higher Education shall commence a stakeholder consultation on the question as to whether attendance norms ought to be made mandatory in undergraduate and postgraduate courses. While doing so, the following factors shall be borne in mind, along with any other relevant factors:-

i. Whether mandatory attendance norms are being actually followed in institutions of higher education or have the same been rendered redundant in most courses, especially in non-clinical and non-practical courses;

ii. Whether mandatory attendance norms are being genuinely followed by students as it is stated that attendance by proxy has become quite prevalent, at least in some institutions;

iii. Would mandatory attendance requirements be necessary in courses which are based purely on theory or self-learning;

iv. Whether mandatory attendance norms would be needed considering that students have access to various learning platforms, including internet platforms, which are beyond classroom learning;

v. Whether mandatory attendance norms have been prescribed internationally, in other countries, and if so in which countries, and for which courses;

vi. Whether mandatory attendance norms can be relaxed, and if so in what manner and for which courses;

vii. What are the safeguards that institutions need to put in place to accommodate students, who do not fulfil the mandatory attendance norms;

viii. Whether the enforcement of mandatory attendance norms, through penalties such as debarment from exams, halting promotion to the next class/ academic year, etc. ought to be permitted;

- ix. Whether student should be encouraged to attend classes with positive measures such as incentives, promotion, additional marks, etc;
- x. The impact of mandatory attendance norms on the physical and mental health of the students and the role of Grievance Redressal Committees;
- xi. Whether voluntary attending of classes ought to be encouraged, in order to enhance responsibility amongst the students rather than forcing the same through penalties etc;
- xii. Whether students, who are employed, ought to be encouraged to pursue their studies without enforcing the mandatory attendance norms or avail of open learning;
- xiii. Whether a warning system ought to be put in place before penalising any students or parents for lacking in attendance;
- xiv. Whether teachers also ought to be answerable for lack of attendance by students;
- xv. Whether attendance norms should be the same for urban and rural areas, based on internet penetration and access to information;
- xvi. Considering the manner in which classes are conducted in the post-pandemic (Covid19) era, should it be mandatory to have hybrid mode of teaching and whether physical attendance is required or even online or virtual attendance would be permissible to complete the mandatory attendance norms;
- xvii. Whether classroom learning needs to be made more analytical and application based, to make students attend classes voluntarily rather than mandatorily;
- xviii. Whether examination patterns need to be changed to make question papers more analytical and application based, which would require students to attend classes and engage in discussions rather than studying from mere guidebooks, like dukki, etc;
- xix. What type of technological interventions can be applied for the purpose of improving, teaching-learning, evaluation process, enhancing educational access and streamlining education planning and administration including processes related to admission, attendance, assessment, etc;
- xx. What steps can be taken by Educational Institutions for ensuring better quality of classroom infrastructure to promote voluntary participation of students in classes and hybrid mode of teaching.

Let the consultation process be commenced within a period of two weeks.

c) The UGC shall file its affidavit within two weeks setting out and dealing with all the aspects in terms of the previous order dated 21st August, 2024.

d) The BCI shall place on record the material that it has relied upon to take the position that attendance norms are mandatory internationally as well. On the aspect of attendance norms internationally, if any other institution or parties wish to place any material on record, they are free to do so.

e) The NMC and DCI shall also file their affidavits setting out the attendance norms and the manner in which the same are prescribed by them.”

As per the above order, the Court had directed the UGC, Ministry of Education to issue a circular informing Institutions of Higher Education of the last opportunity for constituting GRC failing which action would be taken as per law. The Court had also directed the Ministry of Education to undertake a stakeholder consultation in respect of mandatory attendance norms and consider various issues arising thereto, including whether attendance is necessary for the holistic learning by students.

34. The stand of the Bar Council of India was heard in detail on various hearings and further directions were also issued on 16th December, 2024, which are as under:

“10. The Court has considered the submissions made today as also the report which has been placed before the Court. Clearly, the BCI ought to take into consideration the actual situation prevalent on the ground in respect of the discipline of Law. It is usual that Law students also parallelly work with lawyers and attend Courts as interns to increase their learning curve. Additionally, the fact that on several occasions, classes may also not be held due to teachers being on leave etc., also needs to be taken into consideration.

11. The attendance ought to be fixed considering the number of leaves that are sanctioned by the University Grants Commission (‘UGC’) for the faculty as well. Any attendance requirement which is unrealistic and has the impact of debaring a student from taking exams would be contrary to the student’s interest. In line with para 11 extracted above, the BCI ought to consider the following:-

(i) Reduction of the baseline requirement from 70%, which is presently mandatory.

(ii) whether the baseline requirement and voluntary attendance requirement can be made different for 3 years’ LL.B course and 5 years’ LL.B course. Should the baseline attendance be the same for all the academic years or the same should be reduced as the course progresses.

(iii) Making provisions for giving attendance in respect of internships, assignments, case studies and any other practical work undertaken by law students;

(iv) Non-debarment of students from taking exams, which may result in enormous frustration for students and also lead to loss of an academic year for the students;

12. A recent circular BCI:D:5186/2024 dated 24th September, 2024 has been mentioned in this extract, however, the said circular has not been attached. As per the report, the circular claims to be mandating biometric attendance system for law colleges. This could have a grossly adverse impact on students, and, therefore, the BCI ought to reconsider the same.

13. Let the above stated aspects be considered by the BCI and an affidavit be filed on behalf of the BCI attaching the extracts of the report, as also the circular BCI:D:5186/2024 dated 24th September, 2024. Let the affidavit by the Bar Council of India be filed by 15th January, 2025.”

35. On 25th February, 2025, after hearing the Id. Amicus Curiae and Id. Counsels for other parties, the matter was reserved for judgement.

36. As recorded above, the Court, from time to time, had called for submissions on behalf of various Institutes of Higher Education & regulatory bodies, as also the Ministry of Education, with respect to the status of constitution of GRCs, and the attendance norms being followed. In compliance with such directions of the Court, various affidavits were filed on behalf of the said concerned parties. In the opinion of the Court, it would be apposite to consider the submissions made by them in their respective affidavits.

IV. GRIEVANCE REDRESSAL COMMITTEES

Indian Institute of Information and Technology, Delhi (IIIT Delhi)

37. In compliance with the order dated 24th May, 2019 passed by the Court, IIIT Delhi, through its Registrar, filed an affidavit on 9th July, 2019. In the said affidavit, it was stated that prior to the directions of the Court, the Institute already had a GRC in place, which was constituted vide Notification dated 7th February, 2019 and comprised of faculty and staff members. The GRC was vested with the responsibility to look into the issues faced by the students of the Institute.

38. It is further stated that on receipt of the directions of the Court, the composition of the GRC has been modified vide Notification dated 2nd July, 2019. A perusal of this notification would show that after the modification, the GRC now consists of one chairperson and seven members. One member is a representative of the disciplinary action committee, student council and another member is the secretary of the student council.

39. The Institute has further stated in its affidavit that in addition to the GRC, there are other measures in place to look into the issues which may be faced by the staff or students at the Institute. It is submitted that, there is a mentorship program, wherein senior students guide and mentor the junior students.

40. The said student mentorship program is monitored by a body called the ‘Mentorship review board’ whose mandate is to carefully pick the right kind of mentors who take up the responsibility to help and support first year students

and look after the smooth conduct of the program. There is also a 'Well-being Cell' at the Institute, which is a support system in which professionally trained and widely experienced counselling psychologists give free and confidential support to all staff members and students of the Institute.

41. Vide an additional status report dated 6th September, 2019, IIIT, Delhi, furnished the details of the measures in place at the institute to address the grievances and difficulties which may be faced by the students. In furtherance to this, it is submitted that a provision of online registration of grievances at the institute, which is available at the institute has been created on their web page.

42. With respect to the student mentorship program that was discussed in the previous affidavit, it is further submitted that while the said program was earlier only available for the B. Tech students, however, from the academic session 2019-20, the Institute has expanded this program and now M. Tech as well as Ph.D. first year students would also be covered under the program.

43. It is also stated that the Well-being Cell at the institute, which was also discussed in the previous affidavit comprises of two Psychologists in the team. Students can reach the team members directly in their offices and they can also connect with them through emails, calls, WhatsApp etc.

National Institute of Technology, Delhi (NIT Delhi)

44. Pursuant to the order dated 24th May, 2019 of the Court, NIT, Delhi filed an affidavit on 12th July, 2019, through its Registrar, containing the details pertaining to the constitution of GRC in compliance with the directions of the Court. The said affidavit stated that the notification has been issued on 3rd July, 2019 constituting a 'Faculty, Student and Staff Grievances Cell' consisting of one chairperson, four members and two nominated student representatives.

National Law University, Delhi (NLU Delhi)

45. In compliance with the order dated 24th May, 2019 passed by the Court, NLU Delhi, through its Registrar, filed an affidavit on 10th July, 2019. In the said affidavit, it has been stated that in compliance with the order of the Court, the institution has constituted a GRC consisting of three faculty members and one nominated student representative.

46. The institution also stated in its affidavit that on their website, there already exists a portal, which could be used by the students for registering their complaints, which would be placed before the GRC for redressal.

47. An additional affidavit has been filed on 9th October 2019 on behalf of the institution. In the said affidavit, it is stated that NLU Delhi has engaged two counselling psychologists who visit the university and interact with students on a regular basis. In addition to that, it is stated that one medical officer, a gynaecologist and a nursing attendant are also available on campus on part-time/ regular basis.

Delhi Technical University (DTU)

48. In compliance with the order dated 24th May, 2019 passed by the Court, DTU, had through its Registrar, filed an affidavit on 11th July, 2019. In the said affidavit, it has been stated that in compliance with the order of the Court, a GRC has been set up through office order dated 9th July, 2019. It is further submitted that the GRC consists of one chairperson, one professor, one student council president and one member secretary.

Netaji Subhash University of Technology (NSUT, Delhi)

49. In compliance with the order dated 24th May, 2019 passed by the Court, NSUT, Delhi, through its Registrar, filed an affidavit on 11th July, 2019. In the affidavit, it has been stated that the institution has a GRC which was constituted vide office order dated 6th February, 2019. It is further stated that the GRC consists of one chairperson, three members, who are all faculty members. The GRC also consists of one special invitee, who is a student representative.

Indian Institute of Foreign Trade, New Delhi (IIFT, Delhi)

50. In compliance with the order dated 24th May, 2019 passed by the Court, IIFT, Delhi, through its Registrar, filed an affidavit on 11th July, 2019. In the affidavit, it has been stated that the institution has re-constituted the GRC in compliance with the order of the Court vide office order dated 5th July, 2019. It is further stated that the GRC consists of one chairman and seven members from amongst academicians and staff members of the institution. There is one student council president who will be a part of the GRC if a particular matter involves students.

51. An additional affidavit dated 11th September, 2019 has been filed in compliance with the order of the Court dated 12th July, 2019 and 23rd August, 2019. In the additional affidavit, it is stated that in compliance with the directions of the Court, a psycho-metric lab has been earmarked and a psychiatrist has been appointed for addressing the needs of the students in distress.

GGSIU

52. GGSIPU, vide its affidavit dated 11th April, 2019 had answered the queries raised by the Court in its order dated 8th March, 2019. In the said affidavit, the institution confirmed that it has set up a GRC, and has also appointed an Ombudsman for redressal of grievances of the students in terms of the UGC (Grievance Redressal) Regulations, 2012.

53. It is further stated that on 23rd May, 2019, the GGSIPU also issued directions to all its affiliated colleges and institutions for publishing the details of various GRCs in their respective institutions in prominent places. Certain procedures for the functioning of the said GRCs were also communicated by GGSIPU to its affiliated institutions. GGSIPU also prescribed the creation and proper working of

these Committees at the various institutions as mandatory conditions of the academic audits and evaluation for maintenance of its accreditation. Various letters are stated to have been received from several affiliated colleges and institutions, which are also placed on record by the GGSIPU.

54. The affidavit also states that it is mandated that one student representative ought to be included as a member in the GRC and the constitution of the GRC is mandatory for all the institution affiliated with GGSIPU.

55. As per GGSIPU, since 2016, it has made available medical practitioners, including a qualified psychologist and a qualified psychiatrist, to the students and staff of its own schools in their Health Centre located at their campus in Dwarka.

56. GGSIPU filed another affidavit dated 12th July, 2019 in compliance with the order of the pursuant to the directions of the Court in order dated 24th May, 2019, GGSIPU wrote to its affiliated colleges and institutions, directing them to ensure immediate compliance with the directions of the Court.

57. Thereafter, correspondences were received by GGSIPU from its various affiliated colleges and institutions, demonstrating compliance with the directions of the Court.

58. On 9th July, 2019, GGSIPU modified the constitution of its GRC to include a student representative, and has proceeded to publish the details of the same in the manner contemplated by the Court, i.e., at conspicuous places on its website.

59. In its affidavit dated 22nd August, 2019, the GGSIPU confirmed that it had constituted 18 inspection committees comprising of former IAS officers as the Chairpersons and two senior administrative / faculty members to inspect and confirm the setting up of GRCs in all its affiliated institutions and colleges.

60. Further directions were also issued by GGSIPU to all the affiliated institutions and colleges for including student representative/s in such committees.

Delhi Pharmaceutical Sciences And Research University

61. The institution filed its affidavit on 11th July, 2019, in compliance with the order dated 24th May, 2019. In the said affidavit, the institution confirmed that the GRC was notified on 5th July, 2019 in terms of the UGC notification dated 23rd March, 2013. It is stated in the affidavit that the GRC consists of one chairperson, 3 members and a student who is the elected president of the student council, is also included in the same as a special invitee.

Indian Institute of Technology, Delhi (IIT, Delhi)

62. IIT Delhi, in its Status Report dated 11th July, 2019, filed in compliance with the order dated 24th May, 2019 of the Court, submitted that vide notification dated 9th July, 2019, a GRC was constituted in the institution.

63. The GRC comprises of one chairperson, three members from faculty and staff and three student representatives along with one member convener.

64. Vide an additional status report dated 13th September, 2019 filed on behalf of IIT Delhi, it is stated that in order to address the grievances and/ or difficulties of the students, IIT Delhi has a student counselling section in place since 2001, which is headed by a full time counsellor, available five days a week from 09:30 am to 05:30 pm.

65. The Institute is also stated to be providing round the clock emergency services with counsellors whose contact details remain available with the dean, associate dean, hostel wardens, security, student mentors and the hospital situated within the Institute. Contact details are also available on the website and in the IIT Directory.

66. It is also stated that another counselling service called 'Your Dost' is provided on the website of the Institute. This service provides online counselling and emotional support to foster mental wellness among students. It also anonymously connects the students with psychologists, psychotherapists, counsellors, life coaches, career guides, etc.

67. An MoU has been entered into between IIT Delhi and Your Dost service providers. If any student requires and emergency care or special handling, the counsellors at Your Dost get in touch with the Dean, as also with the student welfare association for taking any immediate action, including informing the parents of the distressed student. Accordingly, emergency care is also provided to students. From 2017, it is claimed that 2183 students have availed of the service provided by Your Dost, with a total 3164 sessions having been conducted since its inception.

68. The affidavit further states that a psychiatrist visits the Institute hospital from All India Institute of Medical Sciences every Tuesday in the evening from 5 pm to 8 pm for all referred students' cases, staff and faculty. There are also 3 full time female counsellors. For those male students who would prefer counselling from a male counsellor, a male counsellor for such students has been engaged, who visits the Institute every Friday from 5 pm to 8 pm.

69. The affidavit further states that a mentorship program exists at IIT Delhi for younger students who are connected to the seniors in third and fourth year. There are approximately 25 to 30 mentors who report to a coordinator and thereafter to the administration, if required. Whenever any student requires assistance, parents are informed and in fact, parents are also provided temporary accommodation at the Institute for the time when the student requires the presence. It is stated that approximately 8 to 10 students avail of counselling sessions everyday.

70. The affidavit stipulates that since 2015, about 1300 to 1500 students have availed of counselling sessions lasting from 40 minutes to one hour. A proper infrastructure has also been put in place in terms of staff and counselling room.

BR Ambedkar University

71. The Institution, in its affidavit dated 10th July, 2019 has stated that a GRC has been constituted vide notification dated 20th June, 2019. The GRC consists of one chairperson who is the Pro-Vice Chancellor of the institute, four members from amongst the academicians, one special invitee and one student selected on basis of academic merit, who shall be nominated by the Dean of the School.

Indian Statistical Institute

72. In its report dated 10th July, 2019, filed by the institution in compliance with the order dated 24th May, 2019, it is submitted that the existing GRC has been re-constituted vide notification dated 8th July, 2019.

73. It is stated that the re-constituted GRC consists of one chairperson and two members from the staff, as also one student representative member and one convener. In addition, the institution has also published a list of general guidelines stipulating the procedure for filing grievances before the GRC.

74. An additional affidavit has been filed on 9th September, 2019, in compliance with the orders dated 12th July, 2019 and 23rd August, 2019 of the Court. The said affidavit states that vide office order dated 4th September, 2019, the GRC was reconstituted and a psychologist has been added as a member thereof.

75. Vide a supplementary affidavit dated 7th June, 2024, the institute has given the updated constitution of GRC in terms of the UGC Regulations, 2023. In accordance thereto, the GRC consists of 14 members with one student representative who is a 'special invitee'.

Institute of Liver and Biliary Sciences (ILBS)

76. ILBS is a super specialty autonomous institute and deemed to be University offering super specialized courses and post doctorate degrees PhD, MSc, nursing, etc.

77. In its affidavit dated 12th July, 2019 filed by ILBS in compliance with order dated 24th May, 2019 of the Court, the Institution has stated that there already exists a GRC which deals with the grievances of the students.

78. However, pursuant to order of the Court, the GRC was re-constituted to include one chairperson, 3 members, one member secretary, one convenor and one student representative.

79. Vide an additional affidavit dated 1st July, 2024, the ILBS has reported that the already existing GRC has been re-constituted in 2023 with eight members, including one Ombudsman, a senior Professor and a students' representative.

Indira Gandhi Delhi Technical University for Women

80. In compliance with the order dated 24th May, 2019 passed by the Court, the Institution filed its affidavit dated 27th July, 2019. In the said affidavit, it has been stated that a GRC was constituted vide a notification dated 10th July, 2019. The GRC consists of a total of six members including with one student

representative and five academicians.

National Museum Institute of History of Art, Culture and Museology

81. In compliance with the order dated 24th May, 2019 and 12th July, 2019 passed by the Court, the Institution filed its affidavit on 14th August, 2019.

82. The institution does not have under graduate courses and has only post graduate courses, hence, there is a minimal strength of 60 to 70 students in each academic year.

83. In the affidavit, it has been stated that a GRC is constituted and the details with respect thereto are conspicuously mentioned in the prospectus, as also on the website. It is further stated that an appeal mechanism is also provided, in case a student who has addressed his/her complaint to the Student GRC and is not satisfied with the handling of the complaint.

84. The GRC is stated to be headed by a senior professor holding the position of Dean and having more than 15 years of experience in dealing with the students. The GRC also consists of 2 student representatives, i.e. one male and one female student.

National Institute Of Fashion Technology (NIFT)

85. In compliance with the order dated 24th May, 2019 passed by the Court, the National Institute of Fashion Technology, through its Legal Officer and Assistant Board Secretary, filed an affidavit dated 4th September, 2019.

86. In the said affidavit, it is stated that NIFT has various campuses across the country, including in Bengaluru, Bhubaneswar, Bhopal, Chennai, Gandhinagar, Hyderabad, Jodhpur, Kangra, Kannur, Kolkata, Mumbai, New Delhi, Patna, Raebareli, Shillong and Srinagar.

87. It is stated that GRCs have been constituted in all these campuses and all the GRCs consist of four faculty members and one student representative each, except for the Srinagar campus which does not consist of any student representative.

Lal Bahadur Shastri Vidhyapeeth

88. An affidavit dated 11th September, 2019, was filed on behalf of the institute, stating that in compliance with the order of the Court, a GRC was instituted vide notification dated 7th /20th August, 2019 consisting of one chairman and six members, from amongst academicians and one member secretary. It is noted that no student representative has been made a part of the GRC.

All India Institute of Medical Sciences, Delhi (AIIMS, Delhi)

89. An affidavit dated 11th September, 2019 was filed on behalf of AIIMS, Delhi, stating that the AIIMS, Delhi campus has four Student Wellness Centres since 2018, situated at different locations within the campus. The institute is also

stated to have e-mail helpline for students, which responds to the grievances within 24 hours.

90. In case of imminent possibility of self - harm or harm to others on the part of any student, including not eating properly or possibility of inflicting any physical harm, the legal guardian is informed. However, the information is kept confidential to a large extent.

91. Three fulltime psychologists are also stated to be employed at the institute. The wellness service is supervised by nine faculty members from the Department of Psychiatry, AIIMS. For about 5000 scholars, 3 full time clinical psychologists are employed with the student wellness centre to attend to students' needs.

92. Further, 9 faculty members from the Department of Psychiatry and National Drug Dependence Treatment AIIMS, actively, supervise the student Wellness Services. They are supported by 100 mental health professionals including 80 psychiatrists, 10 clinical psychologists, 5 social workers and one occupational therapy.

93. As per the affidavit of AIIMS, three fulltime clinical psychologists are employed in the centre and 90 scholars have utilized the services and 1150 sessions have been conducted. Referrals are also made by the psychologists for mental health services to the psychiatric department, if need be. The wellness centre is run under the supervision of psychiatric department of AIIMS.

94. A students' GRC has also been constituted as per office order dated 19th August, 2019, consisting of a senior professor as the chairman, the chief of the centre or HOD of the department as a special invitee, four representatives of different student unions.

95. A proper grievance redressal chart has also been filed, showing the manner in which the grievances are dealt with by AIIMS, Delhi.

School of Planning and Architecture

96. In the affidavit dated 13th September, 2019, it is stated that a GRC has been constituted vide office order dated 13th August, 2019. The GRC consists of one chairman, seven members and one member secretary. Out of the seven members, two members are students, who are presidents of their respective student councils.

97. It is further stated that apart from the above constituted GRC, a noted practising psychologist has been appointed by the Institute ever since 25th March, 2015 to attend to students in distress. Pursuant to the directions of the Court, the said psychologist has also been roped and co-opted in to assist the GRC and students in offering psychological counselling.

98. The affidavit also records that wide publicity has already been given about the constitution of the GRC and availability of the services of the psychologist as a student counsellor. The said information is stated to be published on office

notice boards as well as in the notice boards in all the hostel premises, and also on the website of the institute. Such information has also been notified in the 'Students Handbook and also disseminated to the students and parents during the Orientation Programmes.

99. A virtual complaint box/helpline is also stated to have been created on the website of the institute which will have inherent automated response system which shall alert the members of the GRC about registration of complaints by the students in distress.

Indian Law Institute

100. An affidavit dated 21st August, 2019 has been filed by the Indian Law Institute in compliance with the directions of the Court in the order dated 24th May, 2019. The said affidavit states that the Institute had set up a GRC in December, 2016 and pursuant to the directions of the Court, has re-constituted the same vide a notification dated 1st July, 2019. The said GRC consists of five members. Three out of the five members are from amongst the academicians/staff and the other two members are PhD students at the institute.

National School Of Drama

101. An affidavit dated 13th September, 2019 has been filed by the National School of Drama in compliance with the order dated 24th May, 2019 and 12th July, 2019. According to the said affidavit, a GRC has been constituted vide notice dated 21st August, 2019, containing six members, including four Associate Professors, one Deputy Registrar and one student representative.

102. It is further stated that steps have been taken by the GRC to ensure that in case of a grievance against a teaching faculty, administrative staff or any other issue arising or concerning them and also that students in distress can discreetly reach out to trained counsellors/psychologist. Any person aggrieved by the decision of the GRC may, within a period of six days, prefer an appeal to the director.

TERI SAS

103. An affidavit dated 18th September, 2019 has been filed by the TERI-SAS in compliance with the directions in the order dated 24th May, 2019. In the said affidavit, it is stated that since 19th March 2018, a GRC has been in operation with one PhD student as the member of the committee.

104. In the additional affidavit dated 6th June, 2024, it is stated that as on 20th March, 2024, the GRC, which is in operation since 19th March, 2018, consists of one Chairperson, three members, one student representative who is a special invitee and one secretary.

105. It is also stated that informal counselling process takes place by full time faculty members who are the programme coordinators. A Masters' Programme Executive Committee deals with moderation of grades and day to day academic

matters which also look into the progress of underperforming students for recommending corrective measures. According to the affidavit, in view of the orders passed in this case the institute is in the process of availing services of a psychologist.

University of Delhi

106. An affidavit dated 13th September, 2019 has been filed on behalf of the University in compliance with the orders of the Court. The said affidavit states that the University had issued a communication on 24th February 2016 to all colleges/ institutions affiliated to the University of Delhi, calling upon them to constitute their respective GRCs for a term of two years, consisting of one Chairman, three senior teachers on rotation basis as members and one student representative based on academic merit.

107. An additional affidavit dated 28th November, 2019 was filed by University of Delhi. The said affidavit shows that the data from various colleges were obtained which shows that the following colleges have set up their Grievance Redressal Committees:-

- (i) Aryabhatta College
- (ii) Bhaskaracharya College of Applied Sciences
- (iii) Deen Dayal Upadhyaya College
- (iv) Dyal Singh College
- (v) Gargi College
- (vi) Indira Gandhi Institute of Physical Education and Sports Sciences
- (vii) Jesus and Mary College
- (viii) Kalindi College
- (ix) Pannalal Girdharlal Dayanand Anglo Vedic (PGDAV) Evening College
- (x) Rajdhani College
- (xi) Ramanujan College
- (xii) Shaheed Rajguru College of Applied Sciences for Women
- (xiii) Shaheed Sukhdev College of Business Studies
- (xiv) Shivaji College
- (xv) Shri Ram College of Commerce
- (xvi) Sri Aurobindo College (Morning)
- (xvii) Sri Venkateswara College

108. It is stated that none of the other colleges affiliated to Delhi University had

shared the details of their respective GRCs.

National Institute of Education Planning and Administration (NIEPA)

109. An Affidavit dated 9th October, 2019 has been filed on behalf of NIEPA in compliance with the directions in the order dated 24th May, 2019. NIEPA only has postgraduate students studying in M.Phil., PhD & Masters as also in diploma programs. It does not conduct any undergraduate program.

110. In the affidavit, it is stated that pursuant to the directions of the Court, a GRC has been constituted vide notification dated 9th July, 2019. The said GRC consists of a chairperson, three members who are Professors/ Associate Professors, one student representative as a member and a Member Secretary.

111. It is also stated that in addition to the GRC, the following five Committees are constituted and the relevant notifications of each of the committees has also been filed on record:-

- (i) Anti Ragging Committee
- (ii) Student Counselling Centre
- (iii) Equal Opportunity Cell
- (iv) Standing Advisory Committee
- (v) Internal Complaints Committee

112. Vide an additional affidavit dated 8th June, 2024, NIEPA reported that there are various cells constituted for redressal of grievances of students. The same are as under :-

- (i) Anti Ragging Cell
- (ii) Anti-Discrimination Cell
- (iii) Gender Sensitization Cell
- (iv) Grievance Redressal Cell
- (v) Internal Complaints Committee for sexual harassment.
- (vi) Disabilities

113. It is also stated that NIEPA has re-constituted its Equal Opportunities Cell vide notification dated 10th/14th March, 2022 to look into the grievances relating to SCs, STs, OBCs, women & PwD.

114. The pre-existing GRC has also been re-constituted in 2023, consisting of one Ombudsman, a Chairperson, three Members, one students' representative as a Special Invitee and one General Secretary. NIEPA is also stated to have a program advisory committee which constantly reviews the overall functioning of various programs.

V. MANDATORY ATTENDANCE REQUIREMENTS

115. The second aspect under consideration is in respect of mandatory attendance requirements. Pursuant to the directions of this Court, the parties have also placed on record via respective affidavits, their position on the issue of mandatory attendance requirements. The said affidavits shed light on the positions of various regulatory bodies in respect of different courses and the same provide the various approaches adopted which would assist the Court in adjudicating the concerned issue of mandatory attendance requirements.

Bar Council of India

116. The BCI has placed on record an affidavit dated 6th September, 2024 addressing mental health issues and attendance requirements. In this affidavit, which has been deposed by Mr. Awanish Kumar Pandey, Joint Secretary, BCI, it is stated that BCI is sensitive to mental health issues that could arise amongst students due to academic pressure. However, it is stated that instead of diluting attendance requirements there ought to be grievance redressal mechanisms, psychological counselling services and supportive educational environments in law schools.

117. The BCI relies upon Section 49(1)(d) of the Advocates Act, 1961 to state that it is empowered to make rules to lay down the standards of legal education which have to be mandatorily observed by all colleges imparting legal education. The Rules for Legal Education have been prescribed under Part IV of BCI Rules (hereinafter "Legal Education Rules"), and Rule 12 of the Legal Education Rules encompasses the mandatory attendance requirements. It is stated that the Legal Education Rules are comprehensive and set out the various standards that have to be followed by Universities and law schools. The 'Legal Education Committee' constituted under Section 10(2)(b) of the Advocates Act, 1961 consists of ten individuals, including the following persons:

- i. A former Judge of the Supreme Court (Chairman)
- ii. A sitting Chief Justice of a High Court,
- iii. Distinguished Professor of Law,
- iv. The Law Secretary and
- v. The UGC Chairman.
- vi. Permanent invitees proposed by the BCI.

118. Thus, it is argued that such a high-level expert body overlooking and supervising legal education is only found in this field. The mandatory physical attendance requirements have been imposed after due consideration by the said body. In addition, to buttress the necessity of physical attendance in professional cases including law courses, reliance is placed on the following judgments:

- i. The Principal, Patna College v. Kalyan Srinivas Raman, AIR 1966 SC 707

ii. Baldev Raj Sharma vs. Bar Council of India, 1989 Supp (2) SCC 91.

119. The BCI's stand thus, is that compulsory attendance serves many purposes including development of advocacy, analytical skills, social interaction, active participation and discussions. Physical attendance according to BCI is a must. The LLB course is a regular course which requires full time devotion and attendance. It is stated that BCI merely lays down minimum standards and centres of legal education can adopt measures over and above the same. According to the BCI, the present Legal Education Rules maintain a balance as they only require 70% in each subject giving a 30% attendance margin to students, with further 5% discretion to the head of the law college, if there are any exceptional circumstances. Therefore, in exceptional cases the requirement is of subject-wise basis 65% attendance along with 70% of classes in all subjects taken together.

120. It is stated that the importance of attendance has been repeatedly recognised by different Courts in many cases, including the following:

- i. Vandana Kandari vs. University of Delhi LPA 662/2010, decided on 10.01.2011.
- ii. Komal Jain vs. University of Delhi, W.P.(C) No. 8534/2008
- iii. S. N. Singh vs. University of Delhi, 2003 IV AD (Delhi) 378 (S. N. Singh I)
- iv. S. N. Singh vs. University of Delhi W.P. (C) 7701/2005 (S. N. Singh II) decided on 5.12.2006.

121. The BCI has summarised its position in terms of the judgments relied upon as under:

"21. That in nutshell the principles relating to attendance in legal education as elucidated by the Hon'ble Courts in the above matters can be summarized as under:

- In professional courses, requirement of attaining minimum attendance is "non-negotiable". No relaxation could be granted for attendance in professional courses like LL.B., as stipulated by the BCI.
- Importance of adhering strictly to professional standards and rules governing legal education, underscoring that any relaxation in attendance requirements would undermine the integrity of the profession and the quality of legal education.
- Adherence to Bar Council of India rules is crucial for a disciplined academic environment conducive to the professional growth of law students. Significance of physical attendance in law courses for ensuring a sound educational foundation for future legal practitioners.
- Strict compliance with BCI rules regarding attendance for law students, securing requisite attendance in each subject is mandatory to appear for exams, underlining the BCI's authority in setting these educational standards.

- Need for uniformity between university standards and BCI regulations to maintain the integrity of legal education. Law course requires stringent adherence to attendance to ensure competent training for law students. Thus, supporting the Bar Council of India's mandate to maintain high standards of legal education, reinforcing that regular attendance is crucial for achieving these standards."

122. Parallels have also been drawn with the requirements laid down by the National Medical Commission which also mandates 75% attendance in theory and 80% in practical, also the requirements set by the All India Council for Technical Education which also mandates minimum 75% attendance in engineering courses. Even the Council of Architecture requires 75% minimum attendance. Reliance is also placed upon certain attendance policies of the American Bar Association as also Law Schools in the United Kingdom, Australia, etc, where the requirement of physical attendance is equally enforced.

123. The BCI in its latest affidavit dated 7th February, 2025, informed the Court that it had formed a sub-Committee to examine the issues relating to attendance. It is stated that the BCI has prescribed the least mandatory attendance of 70% as compared to other professional courses such as Medicine, etc. Attendance is calculated on the basis of classes held and not on the basis of cancelled or rescheduled sessions. As per the BCI, legal education entails theoretical and practical knowledge, thus, reducing attendance below 70% would risk diminishing the academic progression of legal education. It may make the law course out of step with international norms considering that similar standards exist in other countries as well. It is further stated that moot courts and practical training are included in calculation of attendance and that attendance for internships which can be validated are also provided. Court visits, legal aid activities could also be given recognition with duly certified logs and certification. Further, incentives such as additional marks, certificates or internships programs for exemplary attendance could be explored by colleges to engage voluntary participation and engagement.

124. Since the purpose of three years and five years law course is to produce competent, ethical and skilled legal professionals, it is stated that the standards cannot be different. Examples from the United States of America and United Kingdom are set out by the BCI which have similar requirements. It is the stand of BCI that classroom engagement is central to pursuing LLB course. Reliance is placed upon the schedule to the Legal Education Rules which recognises moot court exercises and internships. It is argued that a reduction in the baseline of minimum attendance would give undue favour to students who can opt for private tutors, coaching, etc. India ought not to become an isolated country where legal educational standards are diminished.

125. On the issue of barring students from taking examination, the BCI's stand is that since most Universities permit students to complete a five year course in seven years and three year course in five years, there is sufficient flexibility.

Attendance requirements ought not to be relaxed but mental health support systems ought to be encouraged. Extra classes could be held as per the requirements in all law schools, however, debarment is a corrective measure which is required to be enforced.

126. In addition to the above, the BCI has also addressed the query of the Court as to the rationale for increase in percentage of attendance from 66% to 70% prevalent under the present Legal Education Rules. It is stated that the increase was brought about in 2008 as a result of a deliberation over five years by the Legal Education Committee (hereinafter "the LEC") and the sub-Committee constituted by the LEC. The sub-Committee then consisted of Mr.D.V. Subba Rao, Hon'ble Mr. Justice Ashok Desai, Dr. N.R. Madhava Menon who had examined the rules. The LEC consisted of several legal luminaries including Hon'ble Dr. Justice A.S. Anand, former Chief Justice of India. The said sub-Committee was again reconstituted sometime in August, 2003, with Hon'ble Mr. Justice V.S. Sirpurkar, who was then a Judge in the High Court of Tamil Nadu, also being one of the members.

127. It is stated that in November, 2003, Dr. N.L. Mitra, Vice Chancellor, NLU, Jodhpur had submitted the proposed Rule 12 of the Legal Education Rules which then recommended the change to 70% from 66%. The said Rules were then deliberated by the sub-Committee and comments were also sought from the Universities. The sub-Committee was again reconstituted in October, 2005 to consist of Hon'ble Justice A.P. Mishra, former judge of the Supreme Court of India. It is stated that pursuant to the discussion and deliberations by the sub-Committee and LEC, as also after considering the comments by Universities, Rule 12 then stood amended which was notified in March, 2009. 128. The affidavit of the BCI has also addressed the Circular dated 24th September, 2024 which mandates biometric attendance. According to the BCI biometric attendance eliminates proxy attendance and unreliable recording of attendance. It aligns with the broader Governmental initiative of digital governance and accountability. Biometric attendance is internationally prevalent practice and, therefore the said mandate is fully justified as per the BCI.

National Medical Commission

129. The National Medical Commission (hereinafter "NMC") which is the overarching body regulating all aspects of medical education, in its short reply affidavit dated 9th October, 2024, has placed its stand qua mandatory attendance norms. It is stated that the attendance requirements are governed by the Competency Based Medical Education Curriculum Guidelines, 2024 (hereinafter "CBMEC Guidelines") which provides the minimum standards for medical education at the undergraduate stage. The same provides as under:

- i. Four and a half years of academic years divided into four professional years from date of commencement of course to the date of completion of examination.
- ii. One year of compulsory rotating medical internship.

iii. Each academic year consists of at least 39 teaching weeks with minimum of 39 teaching hours a week.

iv. Exams conducted at the end of each professional year.

130. Under the CBMEC Guidelines, minimum attendance of 75% in theory and 80% in practical/clinical is required for being eligible to appear in the examination at each stage. Remedial measures are provided in the CBMEC Guidelines, wherein parents and students shall be notified in advance, prior to the final examination so as to have enough time to make up if there is shortage of attendance. Further, although the students who do not meet the minimum attendance requirements are not allowed to appear for the final examination, they are permitted to appear for the supplementary examination, subject to having attended the remedial classes. Lastly, CMBEC Guidelines also provide, as a last resort, for the students to be barred from taking the third professional exam.

131. Insofar as post-graduate medical education is concerned, the same is regulated by the Post-Graduate Medical Education Regulation 2023, wherein, different standards are provided for post-graduate education. If leaves are taken by the post-graduates, beyond the permissible leaves, then the course itself gets extended by the same number of days as many leaves are availed of. Maternity leave is also provided for. Further, 80% attendance in the training is essential for appearing in the examinations.

Dental Council of India

132. The DCI is the overall regulatory body for dentistry and BDS courses. In its affidavit dated 9th October, 2024, the Dental Council of India (hereinafter "DCI") has also placed its stand on record. BDS students have to obtain a minimum of 75% attendance in theory and 75% attendance in practical/clinical each year. Subject wise the minimum is 70%, if it is a subject where there is no examination at the end of semester/year. However, wherever exams are to be attended, minimum of 75% attendance is mandatory. In post-graduate MDS degree, it is a three year degree where 80% attendance in an academic year is required. For diploma courses which is of a two duration, 80% attendance is required in each academic year.

Indian Institute of Foreign Trade

133. The Indian Institute of Foreign Trade (hereinafter "IIFT") which primarily offers MBA degrees has placed its stand on record vide affidavit dated 17th October, 2024. It requires 80% attendance in each course, however, if there is any shortfall in the attendance there is a reduction in the CGPA correspondingly. For every 10% shortfall in attendance, until 50%, the CGPA is reduced by 0.33. If the attendance is lessor than 50% in each course, then the student is not allowed to appear for the end term examination. Less than 50% attendance is not acceptable and would result in a 'F' grade and such students

are not allowed even for the re-examination. Waivers are permissible under exceptional circumstances on medical grounds or demise in the family if the information is given to the programme director. Waivers on accounts of placements and other extra events are also permissible if prior permission is granted. The maximum waiver is to the extent of 30%.

134. For students pursuing weekend MBA programmes instead of 80%, the minimum attendance required is 70% and below 35% of attendance is concerned as leading to 'F' grade. In respect of students pursuing MA in Economics, 75% attendance is required and below 50% is not permissible. For shortfall between 50% to 75% one grade point reduction is prescribed. For PhD scholars they attend the institute regularly on working days. Casual leaves and restricted holidays are also permissible. In respect of EPGDIB and EPGD-GHRM programmes minimum attendance of 70% is required in each course. For every 10% shortfall, the grade point is reduced by 0.5 grade point. Below 30% the student is not allowed to appear in the exam and may be awarded an 'F' grade.

Jawaharlal Nehru University

135. In its affidavit dated 5th November, 2024, the Jawaharlal Nehru University (hereinafter "JNU") has stated that it offers a number of part time and full time courses. The attendance requirements depend upon the nature of course. For part time courses, minimum 75% attendance is mandatory for appearing in the end semester examination. If there are any medical grounds, the minimum attendance would be reduced to 60%. Whereas M.Phil. and Ph.D. scholars are prescribed different standards.

University Grants Commission

136. The University Grants Commission (hereinafter "UGC") vide its affidavit dated 5th November, 2024, filed through Under Secretary, UGC, Ministry of Education, Union of India, has filed a detailed affidavit setting out various policy level documents and its stand on attendance. The position of the UGC is captured briefly hereunder:

a. National Education Policy: After the introduction of the National Education Policy, there is a greater focus on vocational training in rural and urban areas. It provides flexibility for learners to carve their own academic path, with flexibility being offered in subjects with multiple entries and multiple exits called as a ME-ME programme i.e., 'Multiple Entry – Multiple Exit'. In order to enable ME-ME, the NEP envisages awarding of different qualifications such as UG certificate, UG diploma, UG degree at the different levels of 4 year an under-graduate programme.

b. National Higher Education Qualifications Framework: This framework recognises that qualifications ought to be relatable to the students' knowledge, abilities, values and attitudes.

c. National Credit Framework: As per the UGC, this is a framework developed to

realise the objectives of the National Education Policy. This recognises that learning need not only be in a classroom setting. It could include classroom learning, teaching, laboratory work, projects, tutorials, physical education, extra-curricular activities, internships, on-the-job training, learning of other skills including time spent on arts, music, handicraft etc. The intention is to shift and close the gap from classroom education to competency and outcome based learning. A choice based credit system has also been developed. There is focus on major and minor subjects as per the choice of the students. The conferment of degree and certificates is permissible. Further, to reduce the stress of the students, the UGC has bifurcated the course curriculum and the conferment of certificate/ degree in the following manner: -

“• UG Certificate: Students who opt to exit after completion of the first year and have secured 40 credits will be awarded a UG certificate if, in addition, they complete one vocational course of 4 credits during the summer vacation of the first year. These students are allowed to re-enter the degree programme within three years and complete the degree programme within the stipulated maximum period of seven years.

• UG Diploma: Students who opt to exit after completion of the second year and have secured 80 credits will be awarded the UG diploma if, in addition, they complete one vocational course of 4 credits during the summer vacation of the second year. The students are allowed to re-enter within a period of three years and complete the degree programme within the maximum period of seven years.

• 3-year UG Degree: Students who wish to undergo a 3-year UG programme will be awarded UG Degree in the Major discipline after successful completion of three years, securing 120 credits and satisfying the minimum credit requirement.

• 4-year UG Degree (Honours): A four-year UG Honours degree in the major discipline will be awarded to those who complete a four-year degree programme with 160 credits and have satisfied the credit requirements.

• 4-year UG Degree (Honours with Research): Students who secure 75% marks and above in the first six semesters and wish to undertake research at the undergraduate level can choose a research stream in the fourth year. They should do a research project or dissertation under the guidance of a faculty member of the University/College. The research project/dissertation will be in the major discipline. The students. who secure 160 credits. including 12 credits from a research project/dissertation. are awarded UG Degree (Honours with Research).”

d. PG programmes are also flexible depending upon the UG programme the student has undertaken. One year PG programmes are permissible and five year integrated bachelor and masters programme is also contemplated. Through the Swayam Portal, various online courses are also offered. Higher educational institutions are permitted to give admission to students twice a year.

e. Grievance redressal mechanisms have also been provided for considering physical and mental health of students. UGC has introduced the UGC (Redressal of Grievances of Students) Regulations, 2023 which provides for constitution of a Students' Grievance Redressal Committee and appointment of an Ombudsmen in every university. UGC has also developed guidelines for 'Life Skills (Jeevan Kaushal) 2.0', as also other programmes such as Deeksharambh (Student Induction Program) and Mulya Pravah 2.0 to support mental health and development of students.

f. As per the UGC, there are systems in place to prevent ragging and sexual harassment as also promotion of equity. There is also a National Suicide Prevention Strategy Framework which has been developed and towards the same a mental health helpline called 'tele-MANAS' which supports persons suffering from mental health issues has also been introduced.

Department of Higher Education, Ministry of Education, Union of India

137. Vide affidavit dated 13th November, 2024 the Union of India has stated that after the order dated 9th September, 2024 passed by this Court whereby a stakeholder consultation in respect of attendance norms, to be undertaken by the UGC, was directed, meetings were held on 7th October, 2024 and 29th

- a. All India Council for Technical Education (AICTE)
- b. Council of Architecture (CoA)
- c. Dental Council of India (DCI)
- d. Indian Council of Agricultural Research (ICAR)
- e. Indian Nursing Council (INC)
- f. National Commission for Homeopathy (NCH)
- g. National Commission for Indian System of Medicine (NCISM)
- h. National Council for Teacher Education (NCTE)
- i. National Medical Commission (NMC)

138. The Union's stand is that mandatory attendance is crucial for professional courses but students ought not to be barred as a consequence of poor attendance. Virtual attendance of classes should also be made permissible. Attendance should be encouraged voluntarily and family circumstances should be given importance. It is stated that issue of student suicides need not be connected only with attendance but could be associated with other mental health problems as well. Further, it is stated that the Institutes of Higher Learning could put in place early warning systems, support services and parental engagement in order to address the issue of mandatory attendance.

139. As per the said affidavit comments were also sought from Centrally Funded

Technical Higher Education Institutions which have highlighted the advantages of classroom learning. It is stated that 75% attendance is mandatory in IITs and NITs and that foreign institutes such as Stanford, MIT, University of California, Berkeley etc., follow mandatory attendance criteria. Various safeguards can be implemented through summer vacations and conditional assignments to make up shortage on attendance. Courses through online platforms can also be permitted without mandatory attendance requirements. It is the stand of Union that mandatory attendance promotes discipline, time management and ensures regular engagement with course material.

Amity Law School

140. Various affidavits have been placed on record by the concerned law school addressing issues, including the particular case of the deceased student.

Firstly, it is the concerned law school's case that monthly emails were sent to the deceased student himself as also to his father about the shortage of attendance i.e., on 4th February, 2016, 15th March, 2016, 21st March, 2016, and 28th April, 2016. The attendance position was also intimated to all students on notice board. It was only, thereafter, that the deceased student was de-barred from taking the examination.

VI. Submissions of Ld. Amicus Curiae

141. Mr. Dayan Krishnan, Id. Sr. Advocate (Amicus Curiae) highlights the emergent need to incorporate measures for adequate academic support and mental/emotional well-being of students. It is submitted that adequate number of counsellors ought to be engaged in educational institutions. They should identify students from lower economic strata of society to provide necessary support. It is also submitted that senior students could be asked to act as mentors for youngsters to facilitate the transition into college and university. On the aspect of minimum attendance requirements, Id. Amicus is of the opinion that the same are crucial for maintaining standards of legal education and that similar requirements as prescribed by the BCI exists in other professional courses.

142. It is the submission of the Id. Amicus that extenuating circumstances may be condoned and attendance shortage can be waived in case of medical conditions, mental health issues, bereavement, as also social and economic factors. Virtual classes ought to be permitted for persons who may be suffering from any medical illnesses. It is submitted that a student should be permitted to raise a grievance with the BCI. Insofar as the linking of shortage of attendance for appearing in the examination is concerned, at the beginning of the semester or trimester, the number of classes expected to be conducted and attended ought to be intimated to the students. If a class is cancelled, it should be notified in advance through bulletin boards etc. Online access of attendance records ought to be permitted. Reminders through post, messages, emails should be sent to the students and parents. Additional classes can be conducted to make up

attendance.

143. It is submitted that the detention of students due to lack of attendance ought to be avoided while bearing in mind the standards required for legal education. Graded detention may be availed without stigmatizing the consequences of detention. If attendance is short in a particular subject, then classes for that subject may be attended by the student to reduce unnecessary burden. Certain suggestions as to the manner in which the BCI can provide a uniform attendance policy are made which include the following:

- a) Compulsory and Elective Courses for respective degrees;
- b) Minimum Attendance Requirement to be complied by student;
- c) Manner of calculation of the Attendance, including credits for co-curricular and extra-curricular competitions to represent law institutions/universities/colleges and internships.
- d) Nature of document/proof requirement to claim the credit for co-curricular and extra-curricular competitions to represent law institutions/universities/colleges and internships.
- e) Incentive (if any) for attendance, such as additional marks, certificates, internships, internship opportunities.
- f) In view of the suggestion above, the BCI may also indicate the mechanism by which attendance shortages may be condoned in exceptional circumstances.

VII. ANALYSIS AND FINDINGS

144. Heard submissions on behalf of all the parties, various Institutions, Universities, Regulatory bodies, Government departments, intervenors etc., as also the Id. Amicus Curiae.

145. In the background of the discussion above, there are three issues which require the consideration of this Court:

I. The specific case of the deceased student.

II. Constitution of Grievance Redressal Committees.

III. Mandatory attendance norms for law courses and other directions including for internships etc.

Issue I: Specific Case on behalf of the Deceased Student

146. The inception of the present petition was the unfortunate incident resulting in the death of the deceased student. It would thus be apt to first consider the specific case on behalf of the said student. As noted above, the FIR No. 153/2017 was registered at P.S. Sarojini Nagar, in respect of the unfortunate incident. The closure report has already been filed in the said FIR and the same has been accepted by the concerned Id. ACJM. Further, vide order dated 3rd

October, 2024, the Id. ACJM has come to the conclusion that there is no material to satisfy the commission of any offence under Section 306 of IPC. The relevant findings of the Id. ACJM are as under:

"38. Admittedly, deceased Sushant did not visit ALSD after May 2016 and he committed suicide on 10th August 2016. During this period, he was not attending any classes in the college and was at his home with his family and friends only. An e-mail dated 11.05.2016 addressed to Dr Ashok Chauhan, Founder President of Amity Group was sent by deceased seeking mercy as debarment from examination due to shortage of attendance would affect his life unimaginably. However, that too was approximately 3 months prior to his sad demise. Therefore, there was no proximity between any act of the alleged accused persons and the commission of suicide by the deceased. As there was no proximity with the commission of suicide, the judgment of Mrs. Gauramma & Ors. v. State of Karnataka, heavily relied upon by the complainant, does not assist the complainant in the present case. In the said case, it was held that:

"It is to be noticed that the boy was in communication with the school even upto 15 minutes before his death. Thus, there is proximity with the commission of suicide."

39. While in conversations with his friends, deceased Sushant Rohilla did make certain references stating that Prof. Isheetta seemed to have some problem with him or that she would not help him, same cannot lead to a conclusion that her harsh behavior was aimed at instigating or provoking the deceased to commit suicide or she intended to create such circumstances for him that he was left with no option but to commit suicide. Guidance is again sought from the case of M. Arjunan v. State wherein it is held that:

"The act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide."

40. There is nothing on record to show that he was singled out or that his detainment from exams or debarment from appearing in moot court competition was part of a conspiracy or done with the mens rea to drive him to commit suicide. Material on record does not show any instigation, provocation, conspiracy and clear motive on part of officials of ALSD in the last days of the deceased's life.

41. In light of the legal position cited above, it has to be concluded that there is no material on record which indicates commission of offence punishable under Section 306 IPC. In this view of the matter, the cancellation report is accepted."

147. It is beyond the jurisdiction of this Court to go into the said closure report and the final order dated 3rd October, 2024, whereby the Id. ACJM has accepted the former. Moreover, subsequently, before this Court, an out of the Court

settlement was recorded on 14th November, 2024 between the family of the deceased student and the concerned law school. The family has also agreed not to pursue the allegations against the professors as also the concerned law school. Thus, insofar as the specific unfortunate case on behalf of the deceased student is concerned, no further orders are called for in this petition.

148. However, the exercise, which has been undertaken by this Court, over the last 8 to 9 years, after the Supreme Court had transferred the matter to this Court on 6th February, 2017, ought not to be rendered futile. A large number of educational institutions have come forward and have placed their stands repeatedly on record in respect of both the aspects i.e., the constitution of the GRCs and the attendance norms. Thus, it would be apposite for the Court to consider the said two issues, in light of the urgent necessity for the institutions of higher education to be able to address and remedy the varied concerns of students.

Issue II: Constitution of Grievance Redressal Committees

149. The period during which this case remained pending has seen further emphasis on mental health in general, and mental health in institutions of higher education in particular. There are several recent unfortunate incidents, which have been reported where due to mental health issues, which may have been triggered due to many causes, students have committed suicide while pursuing their studies. Some such reported incidents are set out below:

(i) NIT Jamshedpur (reported in May, 2025): A second-year B.Tech. (CSE) student died by suicide. As per the Police and family the student was struggling with depression and severely disturbed by exam stress. <https://indianexpress.com/article/india/nit-jamshedpur-student-suicide-10014486/>.

(ii) IIT Guwahati (reported in September, 2024): A Third-year B.Tech. found dead in hostel. As per the reports the student suffered academic setback due to shortage of attendance. <https://indianexpress.com/article/india/iit-guwahati-student-dead-protest-suspected-suicide-9559312/>.

(iii) NLU Delhi (reported in October, 2024): A first-year student committed suicide <https://theprint.in/india/education/student-suicides-spur-changes-at-nlu-delhi-no-detention-policy-to-compassionate-leave/2318042/>.

150. These and other similar incidents have also been considered by the Supreme Court in two recent decisions i.e., *Amit Kumar & Ors. v. Union of India & Ors.*, 2025 INSC 384 and *Sukdeb Saha v. The State of Andhra Pradesh & Ors.*, 2025 INSC 893. In *Amit Kumar (supra)*, two students studying in IIT, Delhi were found dead in suspicious circumstances in their hostels and their family members had sought registration of FIR. The police had come to the conclusion, after enquiry under Section 174 of Cr.P.C., that the said students had committed suicide due to depression as they could not cope up with their studies. The parents of the two students approached the High Court seeking directions for

filing of the FIR, however, the same was dismissed. Accordingly, they approached the Supreme Court, which observed as under in respect of the nature of the circumstances of the case:

“19. This litigation is an eye-opener not just for the police but also for the parents whose children are studying in different educational institutions, more particularly those students residing in a hostel far from their respective homes, and also the management of the educational institutions across the country.”

151. Thereafter, the Court observed that the police owes a duty to register the FIR when the information relating to any cognizable offence is received. It was held that the Police could only have reached the conclusion as to the circumstances leading to the death of the students after it had followed due process i.e., registered the FIR and investigated the same. The Police could not have taken a shortcut in concluding that there was no truth in the allegations of the parents of the deceased students, merely because the institution involved was IIT, Delhi, which was a reputed institution. The Supreme Court also observed that the well-being of the students is the responsibility of the administration in educational institutions, and thus the Supreme Court directed the registration of the FIR on facts. However, thereafter, the Supreme Court proceeded to consider the urgent issue of rising incidents of students committing suicide in educational institutions and observed as under:

“57. We believe from our little understanding that the suicide epidemic in educational institutions can be attributed to a plethora of factors including but not limited to academic pressure, caste-based discrimination, financial stress, and sexual harassment, with eminent institutions like the IITs and NITs reporting high rates linked to exam failures.

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63. The relentless pressure to perform in a purely score-based education system, coupled with the extreme competition for limited seats in premier educational institutions, places a terrifying burden on the students’ mental health. The inordinate burden on students to work on multiple projects simultaneously exacerbates academic pressure. Several students who come from competitive coaching centres bring pre-existing mental health issues, which get further heightened when they enter Higher Educational Institutions. Although it is difficult to eradicate this distress yet it can be managed by introducing flexible curricula, continuous assessment methods, structured support for managing backlogs and on campus support for psychological issues faced by the students.

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66. We are of the firm view that universities must acknowledge their role not just as centres of learning but as institutions responsible for the well-being and holistic development of their students. The failure to do so would mean failing

the very purpose of education – to uplift, empower, and transform lives. Universities assume the role of a parent when a student leaves his home and comes to study on the campus of the university. As per the principle of 'loco parentis' when a student at the adolescent age or childhood is sent to school by the parents, it is also the duty of the school authorities to play the role of parents in safeguarding the interest and welfare of the students. A person in loco parentis means a person taking upon himself the duty of a father of a child to make a provision for that child. The duty of the college authorities is not just to ensure academic excellence of the students but also to ensure their mental well-being, and not just exercise authority and control over students but also to provide support in times of distress.

67. The nation has already suffered the tragic loss of numerous students – young individuals with immense potential who could have gone on to become successful professionals. However, due to the absence of adequate institutional support, they were driven to take the extreme step of ending their own lives. These distressing incidents not only highlight systemic failures but also expose a severe lack of institutional empathy and accountability on the part of educational institutions. When academic environments fail to address discrimination, harassment, and mental health concerns effectively, they contribute to a culture of neglect that can have devastating consequences.

68. As a society, and as stakeholders in shaping the future of our youth, we must take collective responsibility to ensure that no more lives are lost due to apathy or indifference. It is imperative for institutions to have a culture of sensitivity and proactive intervention so that every student feels safe, supported, and empowered to pursue their aspirations without fear or discrimination.”

152. The Supreme Court then constituted a National Task Force to address the issues relating to mental health of the students, which was also directed to prepare a report. The said Task Force was also vested with authority to conduct surprise inspections of any institute of higher education. The task force was to present its interim report within four weeks and final report after eight months. The said matter is pending before the Supreme Court during which the Court has taken cognizance of several other incidents of suicides by students at different Universities. The National Task Force has submitted its interim report which is under consideration by the Supreme Court.

153. In the other case i.e., Sukdeb Saha (supra), which involved the unnatural death of a 17-years old student, who was undergoing coaching for the National Eligibility-cum-Entrance Test at Aakash Byju's Institute in Vishakhapatnam. The Supreme Court considered various issues relating to mental health and recognised the same as an integral component of right to life under Article 21 of the Constitution of India. The relevant observation reads as under:

“31. Mental health is an integral component of the right to life under Article 21 of the Constitution of India. This Court has, in a consistent line of precedents,

affirmed that the right to life does not mean mere animal existence, but a life of dignity, autonomy, and well-being. Mental health is central to this vision.”

154. Thereafter, the Supreme Court issued various guidelines for ensuring that mental health is given priority. The Supreme Court’s guidelines contained in paragraph 35 of the said judgment have been made applicable to all educational institutions. Some monitoring has also been directed by the Supreme Court by the District Level Monitoring Committee in each Districts under the Chairmanship of the District Magistrate. The final directions of the Supreme Court are as under:

“37. All States and Union Territories shall, as far as practicable, notify rules within two months from the date of this judgment mandating registration, student protection norms, and grievance redressal mechanisms for all private coaching centres. These rules shall require compliance with the mental health safeguards prescribed herein.

38. A district-level monitoring committee shall be constituted in each district under the chairpersonship of the District Magistrate or Collector. The committee may include representatives from the departments of education, health, and Child protection, civil society and shall oversee implementation, conduct inspections, and receive complaints.

39. Having regard to the serious and continuing nature of the concerns addressed herein, we direct the Union of India to file a compliance affidavit before this Court within a period of 90 days from the date of this judgment. The affidavit shall detail the steps taken to implement these guidelines, the coordination mechanisms established with State Governments, the status of regulatory rulemaking with respect to coaching centres, and the monitoring systems put in place. The affidavit shall also indicate the expected timeline for the completion of the report and recommendations of the National Task Force on Mental Health Concerns of Students.”

155. Thus, the Supreme Court directed framing of Rules within two months mandating Grievance Redressal Mechanism by all private coaching centres. Accordingly, insofar as the constitution of GRC in private coaching institutions is concerned, the Supreme Court is fully seized of the matter.

156. One other relevant aspect to be considered is that the UGC has framed the University Grants Commission (Redressal of Grievances of Students) Regulations, 2023 (hereinafter “UGC Regulations, 2023”) which requires constitution of student GRCs by every higher education institution. The said Regulations have been notified on 11th April, 2023 and provide as under:

“5. STUDENT GRIEVANCE REDRESSAL COMMITTEES (SGRC):

(i) A complaint from an aggrieved student relating to the institution shall be addressed to the Chairperson, Students' Grievance Redressal Committee (SGRC).

(ii) Every Institution shall constitute such number of Students' Grievance

Redressal Committees (SGRC), as may be required to consider grievances of the students, with the following composition, namely:

a) A Professor - Chairperson

b) Four Professors/Senior Faculty Members of the Institution as Members.

c) A representative from among students to be nominated on academic merit/excellence in sports/performance in co-curricular activities-Special Invitee.

(iii) Atleast one member or the Chairperson shall be a woman and atleast one member or the Chairperson shall be from SC/ST/OBC category.

(iv) The term of the chairperson and members shall be for a period of two years.

(v) The term of the special invitee shall be one year.

(vi) The quorum for the meeting including the Chairperson, but excluding the special invitee, shall be three.

(vii) In considering the grievances before it, the SGRC shall follow principles of natural justice.

(viii) The SGRC shall send its report with recommendations, if any, to the competent authority of the institution concerned and a copy thereof to the aggrieved student, preferably within a period of 15 working days from the date of receipt of the complaint.

(ix) Any student aggrieved by the decision of the Students' Grievance Redressal Committee may prefer an appeal to the Ombudsperson, within a period of fifteen days from the date of receipt of such decision."

157. As per the above Regulations, the student representative is only a special invitee to the GRC and the term of such student representative is only one year, whereas the term of the other members is for two years. Considering that a student would be best placed to understand the grievances of other co- students and there may be necessity of enquiries etc., to obtain information from the ground relating to another student's grievance, this Court is of the opinion that making the student a special invitee, in a Committee consisting of six persons, would be grossly insufficient to effectively address the grievances of the students.

158. At this stage, it would be appropriate to consider the existing GRCs constituted by various universities and colleges which have placed their respective affidavits on the record during these proceedings. The said affidavits have been considered in detail by the Court, as discussed above. The same provide working examples of GRCs where the student participation is significantly more than what is contemplated under the UGC Regulations,

159. These examples also highlight the fact that the Universities have also recognised the importance of representation of different genders of students for

effective resolution of grievances of students. In addition to that, AIIMS, Delhi has also provided a flow chart laying down the manner in which grievances are dealt with by the concerned GRC and the same is reproduced below:

160. In the opinion of the Court, the significant advancement made by different Universities over the bare minimum standards prescribed under the UGC Regulations, 2023 ought not to be rendered as mere exceptions to the rule. The said advancements ought to be replicated and serve as guiding examples for other Universities as well.

161. It is also observed that the presence of students in the GRCs is critical, in view of the fact that effective inputs can be given by students while considering any complaint. Students are also well placed to interact with the specific individual, who may be facing a mental health issue. On a number of occasions, mere communication or conversation with the said student, who may be facing such issues, with her/his peers may alleviate the concerns or the difficulties. The communication with the faculty members may, in fact, aggravate the problem in respect of certain issues, especially where the faculty itself may be the cause for concern of the student, such as in the case of the deceased student giving rise to present petition.

162. Thus, for the GRC to function effectively the same ought to constitute of at least 50% as students who are full-time members and not special invitees. Since, the student members could be changed on an annual basis, most Universities and colleges in the country already have Student Councils, which may nominate members to the GRC. The students to be so nominated on the GRC could be even nominated in a generic manner i.e., three students from amongst the elected members of the Student Council. Whenever any complaint is considered by the GRC, the student Council can nominate such members of the Council, who it deems to be proper and well-suited for the issue to be considered by the said GRC. This would also give adequate flexibility to Student Councils to nominate a larger number of persons to the GRC and flexibility as to who should be representing the students in the GRC.

163. Further, the necessity of having trained therapists and counsellors on the GRC cannot be overstated. The GRC ought to have as members on their panel proper counsellors and therapists whose services can be requested, if the need so arises. Moreover, a certain number of counsellors and therapist ought to be available on the campus for the students to approach and address their issues. This would be in line with the settled position of law that mental health is a part of the right to life guaranteed under Article 21 of the Constitution of India.

Issue III: Mandatory Attendance Norms for Law Courses

164. The Court is conscious of the facts which gave rise to the present petition, and particularly the issue as to the shortage of attendance of the deceased student. Although, the Court has not gone into the factual aspects of the case of the deceased student, it has not lost sight of the fact that the issue of mandatory

attendance requirements would have to be analysed to understand one of the significant aspects negatively affecting students.

165. The Court has heard submissions made on behalf of various regulatory bodies including in the field of medicine, dentistry, and law, as also colleges offering MBA programmes, diplomas, undergraduate degrees, and post-graduate degrees. Submissions have also been made by the Ministry of Education, Union of India. Insofar as the present petition is concerned, the Court is only considering issuance of directions in respect of mandatory attendance norms in Law courses.

National Education Policy, 2020

166. At the outset, it is observed that the entire educational regulatory framework has been sought to be overhauled by the Government of India, and a new paradigm has been contemplated under the National Education Policy, 2020 (hereinafter "NEP, 2020"). Accordingly, any analysis of the issues affecting students and an attempt to resolve the same would, in the opinion of this Court, be ineffective without first considering the new regulatory framework as also the vision for education in India prescribed under the NEP, 2020.

167. The NEP, 2020 was issued by the Ministry of Human Resources and Development, Government of India, with a futuristic approach after large scale consultations with various stakeholders. The NEP, 2020 was preceded by the Education policies of 1986, modified in 1992, and thereafter, by the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter "Right to Education Act"). This policy substantially altered the manner in which education is perceived in India - from mere academic excellence to academic excellence plus skill-building. The policy gives substantial flexibility to students to pursue subjects of their choice in varying combinations for different periods of studies with different qualifications being acquired. The NEP, 2020 emphasises on qualities such as compassion, empathy, courage and resilience, and accordingly, the educational institutions ought to be welcoming of students and create a stimulating learning environment. The regulation framework laid down by the NEP, 2020 is termed as 'Light but Tight'. It promotes multi-disciplinary studies with concept of understanding rather than rote-learning and emphasises use of technology.

168. The NEP, 2020 focuses on school and higher education. In respect of the higher education the vision envisaged by the NEP, 2020 is to remove rigidity in the curriculum and teaching methodology, as also to promote cognitive skills and flexibility in the students. Multi-disciplinary courses are encouraged with the intention being to reduce regulation, permitting students the freedom to explore combinations of varying and innovative educational degrees. The NEP, 2020 also focuses on holistic development of the students by encouraging students in the area of sports, culture, etc. It is highlighted that there is a greater need for providing proper vocational education and the same is not to be perceived as

inferior to the main stream education.

169. As per the NEP, 2020 it is the position of the Government that the regulation of higher education has been too heavy-handed in the past decades. Thus, a new regulatory framework is proposed with the establishment of the Higher Education Commission of India (hereinafter "HECI"). The four verticals of HECI, as per the NEP, 2020 are as under:

(i) National Higher Education Regulatory Council (NHERC) - A single point regulation for higher education, however, excluding medical and legal education.

(ii) National Accreditation Council (NAC) – a meta-accrediting body;

(iii) Higher Education Grants Commission (HEGC) – to take care of funding for higher education;

(iv) General Education Council (GEC), which will frame expected learning outcomes for higher education programmes. It is proposed that the professional councils such as the Indian Council for Agricultural Research (ICAR), the Veterinary Council of India (VCI), National Council for Teacher Education (NCTE), Council of Architecture (CoA), National Council for Vocational Education and Training (NCVET) etc., would be members of the GEC and act as Professional Standard Setting Bodies.

170. Insofar as legal education is concerned, it is noted that although the same is excluded from the regulatory purview of NHERC, the NEP, 2020 contemplates the necessary changes for legal education. The relevant portion of the same is as under:

"20.4. Legal education needs to be competitive globally, adopting best practices and embracing new technologies for wider access to and timely delivery of justice. At the same time, it must be informed and illuminated with Constitutional values of Justice - Social, Economic, and Political - and directed towards national reconstruction through instrumentation of democracy, rule of law, and human rights. The curricula for legal studies must reflect socio-cultural contexts along with, in an evidence-based manner, the history of legal thinking, principles of justice, the practice of jurisprudence, and other related content appropriately and adequately. State institutions offering law education must consider offering bilingual education for future lawyers and judges - in English and in the language of the State in which the institution is situated"

171. Further, it is specifically noteworthy that in the NEP, 2020 there is no mention of mandatory attendance. In fact, 'attendance' finds a mention only in the context of teachers whose performance is to be assessed on the basis of various factors including peer review, attendance, etc. It is striking that the NEP, 2020 which deals with and contemplates various issues that are key to development of a holistic and multidisciplinary learning environment, does not require students to attend the entire course in-person to achieve the said objective. Further, it is a consistent effort of the Government under the NEP,

2020 to highlight the necessity of incorporating technology-based learning methods to advance teaching and learning by permitting 'blended models of learning'. This is clear from the significant portions of the NEP, 2020 being dedicated to the said issue including sections titled "Technology Use and Integration" and "Online and Digital Education: Ensuring Equitable Use of Technology". The relevant portion of the said sections from the NEP, 2020 reads as under:

"23.2. Given the explosive pace of technological development allied with the sheer creativity of tech-savvy teachers and entrepreneurs including student entrepreneurs, it is certain that technology will impact education in multiple ways, only some of which can be foreseen at the present time. New technologies involving artificial intelligence, machine learning, block chains, smart boards, handheld computing devices, adaptive computer testing for student development, and other forms of educational software and hardware will not just change what students learn in the classroom but how they learn, and thus these areas and beyond will require extensive research both on the technological as well as educational fronts.

[...]

23.11. Universities will aim to offer Ph.D. and Masters programmes in core areas such as Machine Learning as well as multidisciplinary fields "AI + X" and professional areas like health care, agriculture, and law. They may also develop and disseminate courses in these areas via platforms, such as SWAYAM. For rapid adoption, HEIs may blend these online courses with traditional teaching in undergraduate and vocational programmes. HEIs may also offer targeted training in low- expertise tasks for supporting the AI value chain such as data annotation, image classification, and speech transcription. Efforts to teach languages to school students will be dovetailed with efforts to enhance Natural Language Processing for India's diverse languages.

[...]

24.4. Given the emergence of digital technologies and the emerging importance of leveraging technology for teaching-learning at all levels from school to higher education, this Policy recommends the following key initiatives: [...]

(b) Digital infrastructure: There is a need to invest in creation of open, interoperable, evolvable, public digital infrastructure in the education sector that can be used by multiple platforms and point solutions, to solve for India's scale, diversity, complexity and device penetration. This will ensure that the technology-based solutions do not become outdated with the rapid advances in technology.

(c) Online teaching platform and tools: Appropriate existing e-learning platforms such as SWAYAM, DIKSHA, will be extended to provide teachers with a structured, user-friendly, rich set of assistive tools for monitoring progress of learners. Tools, such as, two-way video and two- way-audio interface for holding

online classes are a real necessity as the present pandemic has shown.

[...]

(h) Online assessment and examinations: Appropriate bodies, such as the proposed National Assessment Centre or PARAKH, School Boards, NTA, and other identified bodies will design and implement assessment frameworks encompassing design of competencies, portfolio, rubrics, standardized assessments, and assessment analytics. Studies will be undertaken to pilot new ways of assessment using education technologies focusing on 21st century skills.

(i) Blended models of learning: While promoting digital learning and education, the importance of face-to-face in-person learning is fully recognized. Accordingly, different effective models of blended learning will be identified for appropriate replication for different subjects.”

172. Considering the above position, and since the Court is dealing with a professional course i.e., legal education, which is designed to not only teach students but also to train them for the practice of law, the question that needs to be addressed by the Court would be as to whether mandatory physical attendance is a non-negotiable component for the teaching and training of students of law.

UGC Regulations, 2003

173. Further, it is important to note that the UGC (Minimum Standards of Instruction for the Grant of the First Degree through Formal Education) Regulations, 2003 (hereinafter “2003 UGC Regulations”) prescribes the total number of working days including teaching hours, tutorials, lectures, seminars, as under:

“4. Working Days:

4.1 Every university enrolling students for the first degree programme shall ensure that the number of actual teaching days on which classes such as lectures, tutorials, seminars, and practicals are held or conducted is not less than 180 in an academic year, excluding holidays, vacations, time set apart for completing admissions and time required for conduct of examinations.

4.2 The timetable on working days shall be so drawn up that the physical facilities are adequately utilized and not used only for a few hours in a day.

4.3 The total periods provided for contact teaching shall not be less than 30 hours a week.

4.4 The time provided for practicals, field work, library, utilization of computer and such other facilities, shall not be less than 10 hours a week.”

174. Insofar as the attendance requirements are concerned, the relevant clauses of the 2003 UGC Regulations are as under:

"5.6 The students shall be encouraged to study some part of the syllabus themselves and shall be given assignments, so as to make use of the library, laboratory, internet and such other faculty

5.7 The total workload on a student shall also be adequate so as to provide him/her sufficient academic involvement

5.8 The minimum number of lectures, tutorials, seminars and practicals which a student shall be required to attend for eligibility to appear at the examination shall be prescribed by the university, which ordinarily shall not be less than 75% of the total number of lectures, tutorials, seminars, practicals, and any other prescribed requirements."

175. A perusal of Clause 5.8 would show that 75% is prescribed as the minimum attendance for the student. However, the same does not relate to merely to lectures, but also includes tutorials, seminars, practicals and any other prescribed curriculum requirements. Thus, there is sufficient flexibility to the concerned college or University to prescribe the norms, which have to be followed by students to qualify for 75% attendance. Further, clause 6 of 2003 UGC Regulations is also relevant and is set out below:

"6. Examination and Evaluation:

6.1 The university shall adopt the guidelines issued by the UGC and other statutory bodies concerned from time to time in respect of conduct of examinations.

6.2 The units of evaluation, namely, tests, seminars, presentations, class performance, field work, and the like and the weightage assigned to each of such units in respect of each course shall be determined by the appropriate academic body of the university, and shall be made known to the students at the beginning of the academic session of the year, the semester or the trimester, as the case may be.

6.3 The nature of final examination, whether written or oral or both, in respect of each course shall also be made known to the students at the beginning of the academic session.

6.4 There shall be continuous sessional evaluation in each course in addition to trimester/semester/year-end examinations, and the weightage for sessional evaluation and examination in respect of each course shall be prescribed by the appropriate academic body, and made known to the students at the beginning of the academic session.

6.5 If the university follows grading system, it shall work out and adopt a table of conversion of grades into percentages and vice-versa.

6.6 If the fieldwork or project work is prescribed as an integral part of a course, the weightage assigned to it should reflect the time spent on it.

6.7 The question papers for the examinations shall be set in such a manner as to ensure that they cover the entire syllabus of the concerned course.

6.8 The tests and examinations shall aim at evaluating not only the student's ability to recall information, which he/she had memorized, but also his/her understanding of the subject and ability to synthesize scattered bits of information into a meaningful whole. Some of the questions shall be analytical and invite original thinking or application of theory.

6.9 While the actual process of evaluation shall be confidential, the system of evaluation shall be sufficiently transparent, and a student may be given a photocopy of his/her answer paper, if requested as per procedure laid down in this regard."

This clause would show that there is sufficient flexibility given to the academic bodies of all universities as to the criteria to be prescribed for evaluation, provided that proper transparency of such evaluation is ensured by the universities. Weightage can be given to seminars, presentations, field works, etc. which can take place outside the classrooms as well.

176. The above clause also shows that field work and project work is considered to be an integral part of the course and weightage ought to be given to the same. Further, continuous sessions and evaluation during the entire session is also prescribed. Teachers can, therefore, evaluate the students on the basis of internal performance in different activities. Clause 7 of the 2003 UGC Regulations reads as under:

"7. Physical Facilities:

7.1 Every university shall lay down the norms in respect of classrooms, laboratories, library, sports and health facilities, hostel accommodation, canteen/cafeteria and such other facilities. All the institutions admitted to its privileges shall adhere to the same. While prescribing the norms for such facilities as a condition for affiliation, the university shall keep in view the guidelines/norms issued by the UGC and other statutory bodies concerned.

7.2 The lecture classes shall normally have not more than 60 students, unless, in special cases, the institution has accommodation for larger classes and makes suitable audio-visual arrangements for effective lecturing accompanied by tutorial classes.

7.3 For tutorials, a group shall not ordinarily be more than 20 students.

7.4 For laboratory sessions, the size of a group shall depend upon the size of the laboratory, its type related to the specificity of the subject, the facilities available including the possibility or otherwise of controlling and supervising a number of students simultaneously through a central control panel, and such other devices. The ideal number of students for a normal laboratory session in subjects like Physics, Chemistry and Biology is 15. The number for Computer lab, Language

lab, etc. may be higher or lower, depending upon the factors referred to above.

7.5 The norms laid down by the concerned statutory body shall be followed in the case of laboratories in the professional courses.”

In terms of clause 7.2, audio/video arrangements are also to be made for effective lecturing. Even though those regulations are more than 20 years old, they do recognize sufficient flexibility while prescribing a minimum standard of mandatory attendance.

177. In order to address the issue of mandating a minimum attendance for students pursuing legal education, it would be helpful to consider the requirements of other courses which require first-hand experience with patients, machines, laboratories etc., for which mandatory physical attendance norms have been prescribed. The said norms ensure that students physically attend colleges, learn from their professors on how to interact with patients to obtain their case history, diagnosis and treat them. This practical experience in courses such as medicine, dentistry, and psychology cannot be diluted as the confidence that the student gains is more out of the practical experience apart from the academic study. In courses such as engineering, pharmacy, chemistry, and architecture etc., the position would be similar as the practical experience makes a substantial difference in the skills that the students acquire by the time course is completed. Due to this very reason, the concerned regulatory bodies such as the National Medical Commission, Dental Council of India and All India Council for Technical Education have prescribed mandatory physical attendance norms.

178. It is relevant to note that during the course of writing this judgment, the Court’s attention has also been drawn to the innovative attendance policy adopted by Birla Institute of Technology and Science, Pilani, wherein there is no minimum percentage of attendance prescribed before which a student is permitted to appear in any test or examination. The Institute conducts internal and continuous evaluations and expects every student to be responsible for regularity in attending classes and laboratories as also scheduled examinations. The relevant portion of the said attendance policy is extracted below:

“These regulations do not stipulate a minimum percentage of attendance before a student is permitted to appear in any test/examination. But the Institute being a fully residential university with internal and continuous evaluation system, these regulations clearly expect every student to be responsible for regularity of his/her attendance in class rooms and laboratories, to appear in scheduled tests and examinations and fulfil all other tasks assigned to him/her in every course. The system has adequate resilience to accommodate unforeseen situations through withdrawal, make-up, feedback from examinations and interaction with teachers. When in spite of all these facilities a student fails to cooperate with the teacher in the discharge of his/her part of the contract to such an extent that the teacher is unable to award any grade, the teacher is authorised by these regulations to give a ‘Not Cleared’ (NC) report (see 4.19).”

Thus, in BITS, KS Pilani, a premier institute producing substantial scientific innovation there are no mandatory attendance norms. The Institution reposes enormous trust on its students which should be the ideal situation.

179. Having briefly discussed the attendance requirements in other courses including medicine, dentistry, undergraduate, postgraduate, vocational courses etc., the Court now proceeds to consider the discipline in question i.e. law.

Mandatory Attendance Requirements for Qualifications in the field of Law

180. The English word 'law' originates from the Old Norse term "lagu", meaning "something laid down or fixed" which was adopted into Old English during the 9th–11th centuries following Scandinavian influence. This Norse term ultimately derives from the Proto-Germanic root "lagam" meaning "to lie down" or "lay". The term initially referred to rules or norms established by authority, literally "that which is laid down".

Study of Law:

181. The study of law has various dimensions to it. They are –

- i. First Dimension – Knowledge of the law;
- ii. Second Dimension – Practical application of the law;
- iii. Third Dimension – Implementation of the law.

182. The first dimension involves the knowledge of various statutes, rules, regulations etc. The learning of the jurisprudence and inception of law also forms part of the first dimension. This area of law requires academic rigour.

183. The second dimension of law involves practical application of the theoretical aspects. Within this dimension, students have to learn the manner in which theories of law, jurisprudence of law and the various provisions of law which they have studied are to be applied and implemented in different real-life, factual and practical situations. This requires practical training and exposure and mere theoretical knowledge does not suffice in imparting legal education. In this second dimension, law students are required to have peer discussions, participate in debates, seminars as also moot courts and other activities that provide them the opportunity to apply the theoretical knowledge in a practical setting.

184. The third dimension of the study of law is to obtain understanding of the implementation of law. In this aspect, students may be required to visit courts, legal aid clinics, prisons and other institutions related to the legal field, in order to obtain the practical understanding of how the law is being implemented in reality.

185. The appreciation of all these three dimensions of the study of law is required for any law student to have a holistic legal education. The absence of either of the dimensions of the study of law would result in half-baked knowledge

and lack of adequate confidence to plunge into practice immediately upon completion of the law degree. Thus, any regulation pertaining to the study of law ought to bear in mind all these three dimensions before prescribing the regulatory regime of legal education.

Legal Education – History and Evolution

186. The Advocates Act, 1961 is the statute that prescribes the establishment of the BCI. Prior to that, the Indian High Court Act, 1861, was enacted by the British parliament, by which a large number of High Courts were established in India. The said Act of 1861 authorized High Courts to make Rules for enrolment of their respective advocates, attorneys and solicitors.

187. After India's Independence in 1947, there was a need felt to have a separate legal structure for reviewing the judicial administration relating to the Bar, as also legal education, which led to the enactment of the Advocates Act, 1961. It was this Act which removed the distinction between Advocates and Solicitors. The Act of 1961 contemplates constitution of the BCI, common rules for Advocates including prescribing of qualifications. It provided for recognition of senior advocates based on merit and also the creation of the Bar Council at the Apex level and at the State levels.

188. The Act of 1961 has been amended from time to time. The said Act, under Section 4, establishes the Bar Council of India and under Section 3, the State Bar Councils. The constitution and functions of the said Bar Councils are set out under Section 7(h) & (i) of the Act of 1961.

189. Under the said provisions, one of the functions of BCI is to lay down standards of legal education in consultation with the State Bar Councils and Universities in India imparting such education. The BCI also has the power to recognize law degrees conferred by various Universities after visiting and inspecting the said universities. In addition, the BCI also has the power to recognise foreign law degrees on a reciprocal basis. Thus, the BCI is the apex regulatory body which lays down standards for legal education in the country. The relevant provisions of the Advocates Act, 1961 read as under:

"7. Functions of Bar Council of India.? [(1)] The functions of the Bar Council of India shall be?

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(h) to promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils;

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(ic) to recognise on a reciprocal basis foreign qualifications in law obtained outside India for the purpose of admission as an advocate under this Act;]"

190. The BCI and the State Bar Councils together also prescribe the standards for obtaining enrolment to the Bar. Under the Act of 1961, the BCI has been vested with the power to make rules on various aspects including the following:

"49. General power of the Bar Council of India to make rules.? (1) The Bar Council of India may make rules for discharging its functions under this Act, and, in particular, such rules may prescribe— Xxx

(af) the minimum qualifications required for admission to a course of degree in law in any recognised University;

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(d) the standards of legal education to be observed by Universities in India and the inspection of Universities for that purpose;

(e) the foreign qualifications in law obtained by persons other than citizens of India which shall be recognised for the purpose of admission as an advocate under this Act;"

Thus, it is in exercise of these powers under Section 49 of the Act of 1961, that the BCI has to prescribe the rules and standards for legal education in Universities across India.

191. At this stage, the Court also deems it necessary to track the inception, amendment and current status of the BCI Legal Education Rules which lay down the Standard of Legal Education and Recognition of Degrees in Law for admission as Advocates. The said Rules are laid down by the BCI in pursuance to its power under Section 7(h) & (i), 24(1)(c)(iii) and (iiia), 49(1)(af), (ag) and (d) of the Advocates Act, 1961.

192. These Rules have been amended from time to time and initially these rules only recognized the 3-year law degree. However, vide subsequent amendments the said Rules recognize two types of law courses in India, i.e., 5-year law degree and 3-year law degree. The 5-year law degree was prescribed as a full-time course in which first two years were to be devoted to pre-law curriculum. The law subjects were to be added from third year onwards and last six months of the 5- year law degree were to mandatorily include the practical training.

193. On the other hand, in the 3-year law degree, evening colleges were directed to switch over to day colleges, failing which they would not acquire affiliation. Students who had already taken admission in the academic year 1999-2000, were however permitted to complete their courses. Such directions were amended in the 1998 Rules vide Resolution No. 68/1999 dated 24th October, 1999.

194. Further clarity with respect to the mandate for 3-year law degree colleges to switch over to day session was provided vide a resolution of the Legal Education Committee dated 14th April, 2000 which prescribed as under:

"The Legal Education Committee considered various letters received from Universities/Law Colleges seeking clarification regarding conversion of morning/evening Law Colleges into day colleges and suggested that following explanation may be added in Rules 3 and 2 in Section A and B respectively in Part IV of the Rules of the Bar Council of India.

Explanation: Day session means continuous teaching for five and half hours with maximum break of one hour during the period from 7 A.M. to 7 P.M.

The above recommendation of the Legal Education Committee has been approved by the Bar Council of India at meeting held on 20th & 21st May, 2000 and the rule has been amended by adding the above explanation."

195. The 1998 Rules further stipulated that law colleges had to compulsorily have classes for 30 hours a week, including correspondence programmes, tutorials, home assignments, library, clinical work etc. provided that the actual time for classroom lectures is not less than 20 hours a week :

"(2) A College or University Department will be deemed to be wholetime college for the purpose of sub-Rule 3(1), if the working time of the college or the University Department, as the case may be, extends to at least thirty hours of working per week including contact and correspondence programme, tutorials, home assignments, library, clinical work etc. provided that the actual time for classroom lectures is not less than 20 hours per week.

4. The students shall be required to put in minimum attendance of 66% of the lectures on each of the subjects as also at the moot courts and practical training course."

196. Thus, 66% minimum attendance was required in classroom lectures of each of the subjects, as also of Moot Court and practical training courses. Libraries of law colleges were directed to be opened for at least 8 hours on every working day and a separate paper was prescribed for Moot Courts. In case of 3 year law courses, the attendance requirements were almost identical. In this regard, the Rules of 1998 provided as under:

"1.(1) Save as provided in Section 24(1) (c) (iiia) of the Act, a degree in law obtained from any University in the territory of India after the 12th day of March 1967 shall not be recognised for purposes of Section 24(1) (c) (iii) of the act unless the following conditions are fulfilled:

(a) That at the time of joining the course of instruction in law for a degree in law, he is a graduate of a university or possesses such academic qualifications which are considered equivalent to a graduate's degree of a University by the Bar Council of India.

(b) That the law degree has been obtained after undergoing a course of study in law for a minimum period of three years as provided for in these rules;

(c) That the course of study in law has been by regular attendance at the

requisite number of lectures, tutorials or moot courts in a college recognised by a University.

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2(1) That the Law Education under Section- B may be through whole time colleges or through part-time morning/evening colleges as the case may be.

(2) A College or University Department will be deemed to be wholetime college for the purpose of sub-Rule 2(1), if the working time of the college or the University Department as the case may be, extends to atleast thirty hours of working per week including contact and correspondence programme, tutorials, home assignments, library, clinical work etc. provided that the actual time for classroom lectures is not less than 20 hours per week.

3. The students shall be required to put in a minimum attendance of 66% of the lectures on each of the subjects as also at tutorials, moot courts and practical training course.

Provided that in exceptional cases for reasons to be recorded and communicated to the Bar Council of

India, the Dean of the Faculty of Law and the Principal of Law Colleges may condone attendance short of those required by the Rule, if the student has attendance 66% of the lectures in the aggregate for the semester or examination as the case may be.

XXX

4. (1)

(3) The library of the college or University Department shall remain open for at least 8 hours on every working day."

197. Initially, from 1966 till 1982, the BCI only recognized 3-year LLB courses. However, vide Resolution No.79/1982 dated 7th May, 1982, the 5-year degree course of LLB was recognized and norms for recognition and affiliation were prescribed. After the 1998 Rules, the BCI Rules were amended in 2008.

198. As per the affidavit of BCI dated 7th February, 2025, earlier prescribed standard of attendance for a law student was 66%. In 2002, the Legal Education Committee held its meetings and the draft rules were prepared in 2004. They were debated on several occasions and finally, were amended in 2009. The relevant rules, as they stand today, read as under:

"10. Semester system

The course leading to either degree in law, unitary or on integrated double degree, shall be conducted in semester system in not less than 15 weeks for unitary degree course or not less than 18 weeks in double degree integrated course with not less than 30 class-hours per week including tutorials, moot room

exercise and seminars provided there shall be at least 24 lecture hours per week. Provided further that in case of specialized and/or honours law courses there shall be not less than 36 class-hours per week including seminar, moot court and tutorial classes and 30 minimum lecture hours per week. Provided further that Universities are free to adopt trimester system with appropriate division of courses per trimester with each of the trimester not less than 12 weeks.

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12. End Semester Test

No student of any of the degree program shall be allowed to take the end semester test in a subject if the student concerned has not attended minimum of 70% of the classes held in the subject concerned as also the moot court room exercises, tutorials and practical training conducted in the subject taken together.

Provided that if a student for any exceptional reasons fail to attend 70% of the classes held in any subject, the Dean of the University or the Principal of the Centre of Legal Education, as the case may be, may allow the student to take the test if the student concerned attended at least 65% of the classes held in the subject concerned and attended 70% of classes in all the subjects taken together. The similar power shall rest with the Vice Chancellor or Director of a National Law University, or his authorized representative in the absence of the Dean of Law.

Provided further that a list of such students allowed to take the test with reasons recorded be forwarded to the Bar Council of India.

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18. Inspection of a University

(1) A University seeking recognition of its degree in law for the purpose of enrolment in the Bar, shall provide the inspecting committee of the Bar Council of India all necessary facilities to examine the syllabus of the course designed, teaching and learning process, evaluation system, infrastructure layout and other necessary conditions in general and shall ensure in particular that all University Departmental Centres, Faculty, Constituent and affiliated Centres of Legal Education proposing to offer law courses under either or both the streams, possess:

- (i) Required infrastructural facilities outlined under the Bar Council of India Rules;
- (ii) Required number of teaching faculties as prescribed by the Bar Council of India and the University Grants Commission;
- (iii) Facilities for imparting practical legal education specified in the curriculum under the Rules and Legal Aid Clinic, Court Training and Moot Court exercises;
- (iv) Adequate library, computer and technical facilities including on-line library facility and

(v) In case of a Centre of Legal Education sponsored by private initiative of a person there is a Capital Fund as required in the Schedule III by the Bar Council of India from time to time, deposited in the Bank Account in the name of the Centre of Legal Education concerned.

(2) For the above purpose the Inspection Committee of the Bar Council of India shall have power to call for and examine all relevant documents, enquire into all necessary information and physically visit and enquire at the location of the Department, Faculty, Constituent and affiliated Centres of Legal Education as the case may be.

Provided that an application for a new proposal for affiliation and the related University inspection therefore by the Inspection Committee of the Bar Council of India, including the local enquiry at the site of the proposed College may be formally made directly by the authority of the proposed College (Faculty, University Department, Constituent or Centres of Legal Education as the case may be) in proper Form with required information and requisite fees provided that an advance copy of the application must be submitted to the University concerned, within the stipulated date as notified by the Bar Council of India.

XXX

25. Recommendation of the Legal Education Committee

The Legal Education Committee after reviewing the report and all other explanation, documents and representation, in person or in writing and in the interest of maintaining the standard of legal education in view under the rules recommend appropriate action to be taken on each such report to the Bar Council of India.

In case of withdrawal or revocation of approval of an institution it shall be effective from the commencement of the next academic year following the date on which the communication is received by the Registrar of the University

26. Approval

The Bar Council of India on the recommendation of the Legal Education Committee shall instruct the Secretary to send a letter of approval of any one of the following type to the Head of the Institution as well as to the Registrar of the University:

(a) Temporary approval: On the Initial inspection report or Regular Inspection report the Legal Education Committee may recommend a temporary approval for not more than a period of three years to a newly proposed institution in the event the institution has facilities enough to commence the teaching program on such conditions as the Legal Education Committee may prescribe.

(b) Regular approval: A regular approval may be recommended for not more than a period of five years when an institution fulfills all standard set norms and has the capability of maintaining such standard continuously. Such regular

approval shall entitle such institution to seek accreditation from the Bar Council of India who can do the same either of its own according to rules of accreditation or may cause it done by the National Assessment and Accreditation Council.”

199. This Court had also directed the BCI to re-consider Rule 12 of the Legal Education Rules, 2008. A Sub-Committee is stated to have been constituted on 26th October, 2024, which submitted its report on 14th December, 2024, as per which the mandatory attendance norms are reiterated in the following terms:

“5. Whether mandatory attendance norms have been internationally, in other countries, and if so in which countries, and for which courses.

In context of legal education, every country has some or the other rule relating to the attendance requirements in order to enroll/practice law in the specific country/region.

Mandatory attendance policies play a critical role in legal education across the globe, ensuring that students actively participate in their academic programs to develop essential legal skills. These policies vary from country to country, reflecting the specific requirements of legal education systems. Below is an overview of attendance norms in different regions.

Submission

Mandatory attendance policies are universally recognized as essential for maintaining high standards in legal education. Countries such as the United States, the United Kingdom, Australia, Canada, Singapore, and Malaysia enforce these norms to ensure consistent student participation, active engagement, and professional readiness.

xxx

Mandatory attendance norms can coexist with voluntary encouragement, offering a balanced approach. While structured policies ensure a minimum standard of participation, a focus on voluntary attendance enhances responsibility and intrinsic motivation. For instance, institutions could maintain a baseline attendance requirement but complement it with opportunities for students to choose their learning paths through engaging class activities and flexible participation options.”

200. Further, the Rules of 2008, provide that each affiliating University shall submit its Rules of Affiliation to the BCI while seeking approval of Affiliation of a Centre of Legal Education. In case of direct application, the applicant shall annex with the application Rules of Affiliation of a Centre of Legal Education in the respective University. The application for seeking approval of Affiliation/recognition of centres of legal education/ universities teaching law for purpose of Advocates Act, 1961, requires some questions to be answered by the concerned institutions. The said questions are laid out in the 2008 Rules. Some of the said questions are as under:

“(e) What is the duration and normal schedule for teaching in the Centre of Legal Education?

(attach the time-table used in the last year/semester)

(f) How many classes a student has to attend on an average on a working day?

(g) Is the attendance taken once a day or once in every class?

(h) Who keeps the attendance register? office/ teacher after class hours”

201. In addition, the BCI Proforma for Inspection Report of Centre of Legal Education requires the following details to be given by the concerned institutions:

“9. Necessity for starting a new Centre of Legal Education /continuance of the existing Centre of Legal Education in the area

10. Details of the courts in the area

11. Number of lawyers practising in the area”

202. In its affidavits dated 6th September, 2024 and 7th February, 2025, the BCI has placed on record its submissions with respect to the issue relating to attendance norms for Centres of Legal Education across India. Several judgments have also been cited by the BCI to argue that the determination and fixation of attendance norms is purely a prerogative of the Regulatory Body i.e. the BCI and the Court ought not to interfere in the same. The said judgments relied upon by BCI are as under:

I. Baldev Raj Sharma v. Bar Council of India & Ors., (1989 AIR(SC) 1541)- In this case, the Supreme Court was considering a case relating to the 2 years LLB (Academic) course offered in Kurukshetra University. The said judgment deals with the Petitioner’s case, who had only attended two years of study instead of prescribed 3 years. In the said judgment, the Supreme Court recognizes the need for maintaining of regular attendance and not mandatory minimum attendance. In the facts of this case, it has been held by the Supreme Court that the number of years of the course was 2 years as private candidate and 3 years as regular student, was not in conformity with the BCI rules. Hence, the Petitioner’s application seeking enrolment was dismissed by the Supreme Court on the ground that the Petitioner did not fulfil the minimum requirement of attending a law school as a regular student, for not less than two academic years.

II. Bar Council of India v. Aparna Basu Mallick & Ors. (1994) 2 SCC 102- In this case, the Respondent was a candidate who had sought enrolment after pursuing the LLB Course as a non-collegiate candidate. The Supreme Court again reiterated the decision in Baldev Raj Sharma (supra) and held that regular attendance is necessary, including attending lectures, tutorials, moot courts, etc. The Court held that appearing as a private non-collegiate candidate in a law college would not be sufficient to obtain BCI enrolment.

III. Guru Gobind Singh Indraprastha University v. Naincy Sagar & Anr. 2019 SCC

OnLine Del 11169- In this case, the minimum attendance, as prescribed by the GGSIPU i.e. 75% was held to be beyond the prescribed minimum attendance by BCI under Rule 12 of the Legal Education Rules, 2008. The Division Bench of the Delhi High Court held that that education norms would not be normally interfered with by the Court.

203. The Court has considered the above stated judgments relied upon by BCI. However, it is necessary to note that the said judgments were passed prior to the NEP coming into force. As discussed at length above, the NEP lays greater emphasis on holistic learning and overall well-being of students.

204. Having examined the intent of the NEP at length, this Court is of the view that here is no doubt that facing the consequences of non-appearance in the examination and detention would be an extreme step for a student, especially when considered in the light of repeated student suicide and mental health issues. These issues have also been recently taken note of by the Supreme Court in two judgments cited above namely Amit Kumar (supra)

205. Clearly, there is an increased emphasis on mental well-being of the students, which is likely to be severely jeopardized by permitting detention in a particular semester and non-appearance in the examination. The same requires to be re-considered by BCI itself, in the light of these decisions of the Supreme Court.

206. It is necessary to mention that the primacy of BCI as a Regulatory Body is not being diluted by this Court in any manner. However, in the background of the facts and circumstances of the case and in view of the submissions made before this Court, in the opinion of this Court, some reconsideration is required on the aspect of mandatory attendance norms by the BCI.

207. It is also noted that the BCI has recently issued a Circular dated 24th September, 2024 to further precipitate the attendance surveillance in the following manner:

"3. Employment Status and Attendance Compliance

Students must declare that they were not engaged in any job, service, or vocation during the course of their LL.B. degree unless they had obtained a valid No Objection Certificate (NOC). Proof of compliance with the attendance norms must also be provided, as per Rule 12 of the Rules of Legal Education.

All such cases of employment must be reported to the BCI via email at bciinfo21@gmail.com with the subject heading Student of (CLE) Employment/Vocation Status During LL.B Degree Course. It is made clear that no one will be allowed to be enrolled in any State Bar Council, if he/she fails to inform the Bar Council of India and obtain NOC from his/her employer.

The CLE must await the BCI's decision before issuing the final marksheet and degree to such candidates/student/s. Failure to report employment status will

result in the withholding of the final mark sheet & degree, and strict disciplinary action will be taken against the student and CLE both for non-compliance.

4. Biometric Attendance and CCTV Surveillance

All CLEs are required to install biometric attendance systems to ensure accurate monitoring of student attendance. Furthermore, CCTV cameras must be installed in classrooms and other key areas of the institution. The recordings from these cameras must be preserved for a period of one year to support any necessary verification or investigation related to attendance and student conduct”.

208. The above would reveal that the BCI is going a step further in ensuring the implementation of the mandatory attendance and it is likely to insist upon biometric attendance system and CCTV cameras, which would be extremely invasive of the privacy and rights of the students.

209. This Court had, vide order dated 16th December, 2024 directed the BCI to explain as to why such norms are being introduced, in response to which the BCI filed the affidavit stating that these biometric systems are globally recognized standards. The BCI further seeks to suggest that the Digital Personal Data Protection Act, 2023 would address any privacy concerns and data security concerns that might arise. Relevant portion of the affidavit of the BCI is set out below:

“72. The Bar Council of India's circular BCI:D:5186/2024 mandating biometric attendance systems (AEBAS) for Centres of Legal Education (CLEs) has been introduced as a measure to address longstanding issues with manual attendance systems, such as proxy attendance and unreliable records. This directive seeks to enhance transparency, discipline, and accountability in legal education by leveraging technology for precise and tamper-proof attendance tracking. Bar Council of India circular BCI:D:5186/2024 dated 24.09.2024 is annexed herewith as Annexure J.

73. Such biometric attendance systems are a globally recognized standard for ensuring accurate attendance records in professional education settings. In foreign countries, professional institutions employ biometric or electronic attendance systems to maintain strict compliance with regulatory attendance norms. These systems ensure that students participate actively in classroom sessions, which are integral to fostering critical thinking, analytical skills, and ethical understanding.

Relevant extracts regarding Biometric/Electronic Attendance System at International Level is annexed herewith as Annexure K [Colly].

74. While some critics of biometric systems argue that their mandatory implementation may impose logistical and financial burdens on institutions, particularly smaller colleges in rural or economically disadvantaged areas. However, such concerns can be addressed through phased implementation and support from centralized authorities like the Bar Council of India or the National

Informatics Centre (NIC). These bodies can assist institutions in acquiring necessary hardware, software, and training to ensure seamless integration without disrupting the academic process.

75. As far as Indian context is concerned, the introduction of biometric attendance systems aligns with broader governmental initiatives promoting digital governance and accountability, such as Aadhaar-enabled services.' By integrating Aadhaar authentication into attendance tracking, CLEs can leverage existing infrastructure to ensure cost-effective and reliable implementation. This approach not only addresses attendance-related challenges but also strengthens institutional integrity and regulatory compliance.

76. It is a fact that technology such as biometric systems also help mitigate discrepancies in attendance records that can arise from manual errors or manipulation. Such systems ensure that attendance data is collected in real-time and is immune to tampering. This creates a fair and transparent framework for evaluating student participation, reducing disputes and grievances related to attendance.

77. Moreover, any concerns about student privacy and data security can be addressed by adhering to stringent data protection norms, such as those outlined in India's Personal Data Protection Act (PDPA) and other global standards like the General Data Protection Regulation (GDPR). Institutions must ensure that biometric data is encrypted, securely stored, and accessed only for legitimate purposes, thereby safeguarding student privacy.

78. It is submitted before the Hon'ble Court that mandating biometric attendance does not detract from the flexibility already provided by the Bar Council of India's attendance regulations. The existing framework under Rule 12 allows for relaxation in extraordinary circumstances, ensuring that students facing genuine hardships, such as medical emergencies or personal crises, are not penalized unfairly. Biometric systems can coexist with such provisions, enabling institutions to maintain accurate records while accommodating legitimate exceptions.

79. The implementation of biometric attendance systems in CLEs is a progressive step that aligns with global practices and addresses persistent challenges in attendance management. While logistical and privacy concerns merit attention, they can be mitigated through phased implementation, adequate training, and robust data protection measures. By ensuring accurate and transparent attendance tracking, biometric systems support the broader objectives of legal education, including the cultivation of discipline, accountability, and professionalism among students.

80. The Bar Council of India's initiative to mandate biometric attendance systems should be embraced as a necessary reform to modernize and strengthen the regulatory framework for legal education in India. It provides a balanced approach to addressing attendance-related challenges while upholding the principles of fairness, inclusivity, and educational excellence. Institutions must

proactively implement these systems while ensuring compliance with data protection standards to create a transparent and equitable academic environment.

81. The Bar Council of India respectfully submits that Rule 12 of the Legal Education Rules, 2008, is a well-considered regulation aimed at maintaining the quality and integrity of legal education in India. The rule aligns with the broader goals of producing competent legal professionals who are well-prepared to meet the demands of the legal profession.”

210. A conjoint reading of Rules 10 & 12 of the Legal Education Rules, 2008 shows that there is prescription of semester system, which requires the following:

- 15 weeks for unitary degree course
- 18 weeks for double degree integrated course

Each of these weeks shall have a minimum of 30 class hours. These class hours include tutorials, moot court exercise and seminars. Out of 30 class hours, at least 24 lecture hours per week are compulsory. In case of specialized or honours law courses, 36 class hours per week would be mandatory and out of these 36 hours, 30 minimum lecture hours are compulsory. Colleges and universities are free to adopt trimester system with each trimester having 12 weeks. The requirements with respect to minimum number of class hours and working days, as mandated under Rule 10 of the Legal Education Rules, 2008 is captured in a tabular form:

S. No.

Particulars

No. of Weeks

No. of Class Hours

No. of

Lecture Hours

1

Unitary Degree

15 weeks per semester

30 hours

24 hours

2

Double Degree Integrated Course

18 weeks per semester

30 hours

24 hours

3

For Trimester system

12 weeks per trimester

211. As is evident from the table produced above, Rule 10 of the Legal Education Rules, 2008 stipulates the mandatory minimum number of class hours and working days to be conducted by law colleges, Universities and institutions. However, it is a common practice across educational institutions for professors/teachers to cancel lectures at the last moment, without providing prior notice to the students. This leads to failure to meet the mandatory requirement for minimum number of class hours and working days, as prescribed.

212. Despite such deficiency on part of the law colleges, Universities and institutions to meet the mandatory requirement under Rule 10, the institutions still insist upon the mandatory attendance norms under Rule 12 being given effect to. This often creates an imbalance between the obligation of the institutions to provide sufficient classes to the students on one hand and the onus on the students to meet the mandatory attendance norms on the other hand.

213. At this stage, it is also relevant to refer to the decision of the Single Bench of this Court in 'Adarsh Raj Singh v. Bar Council of India & Ors.' [2018:DHC:3933] wherein the Court was dealing with a batch of petitions raising a common issue pertaining to the shortage of attendance of students in law schools. In the said batch of petitions, the Court took note of the fact that law colleges, Universities and institutions often fail to hold the statutorily prescribed mandatory minimum number of class hours and working days, leading to inadequacy in the opportunity for the students to make up the shortfall in their attendance before the conclusion of an academic semester. In the said decision, the Court, while quashing the detention of the Petitioners who were detained due to shortage of attendance, observed as under:

"34. Thus, what emerges is that despite the repeated observations of various High Courts, recognized centres of legal education often violate the mandate of the BCI Rules by not holding the prescribed mandatory minimum number of class hours. The rampancy of such transgressions by law colleges is not only attributable to the educational institutes but also to the Bar Council of India, which has inevitably failed to exercise its powers of inspection under the BCI Rules and periodically inspect its recognized centres of legal education, in order to ensure their compliance with the said Rules. There is no gainsaying that it is

incumbent upon the Bar Council of India, which is a statutory body established under the Advocates Act, 1961, to not only promote and lay down the standards of legal education in the country but also to ensure their observance by recognized centres of legal education.”

Thus, in the said decision, the Id. Single Judge, inter alia directed the Bar Council of India to exercise its statutory powers to take immediate steps to ensure the compliance of the Legal Education Rules, 2008, especially Rule 10, by all its recognized centres of legal education.

214. Hence, this Court is of the opinion that it is incumbent upon the BCI to ensure that all stakeholders involved in imparting of the legal education, including the dean of the universities, head of various departments, as also the professors, ensure that the obligations that rest upon them in terms of the BCI Rules, 2008 are met in a way that the students get sufficient opportunity to make up for the attendance that they might lose out on during the course of the semester. By holding lesser number of classes than those are prescribed, students in effect are compelled to attend 100% of all classes taken by teachers – in effect taking away the flexibility of 30% which is available to them.

215. Further, Rule 12 of the Legal Education Rules, 2008, starts with a pre-condition as to when a student ‘shall not be allowed’ to take end semester test i.e. when 70% of the classes held are not attended. This 70% attendance is mandatory for lecture hours, moot courts, class room exercises, tutorials and for practical training.

216. Under exceptional circumstances, the authorities, such as the dean or principal of the university can relax the attendance requirement by only 5%. However, when such relaxation is given under exceptional circumstances, a list of such students has to be forwarded to BCI.

217. In the opinion of this Court, the language of Rule 12 of the Legal Education Rules, 2008, is extremely strict in nature and leaves little room for relaxation. In fact, the wording of the Legal Education Rules, 2008 is stringent to the extent that if the students do not attend 70% of the classes, the only consequence shall be to bar them from taking examinations altogether – there are no ameliorative measures of making up the attendance.

218. While this Court is privy to the fact that there are mandatory attendance norms required in most educational institutions across the world and also in India, such rigidity is rarely found in the rules governing education. In fact, in most institutions, the rules governing education are designed in a way to provide necessary measures to students to make up for shortage in attendance. Such flexibility and room for some kind of alternative methods seem to be completely absent from the BCI Rules governing legal education across the country.

219. In the opinion of the Court, such an inflexible approach is bound to have a cascading effect, thereby resulting in extreme consequences to students. Barring

the student from sitting in an examination cannot even be the last resort undertaken by the concerned institutions – considering the debilitating consequences for the student including mental health and career prospects.

220. While this Court is conscious of the fact that mandatory attendance norms are required for maintaining discipline, however, all inflexible rules, especially in the study of law are contrary to the welfare and interest of students.

221. The BCI Rules recognize moot courts, seminars, practical training, etc. as an essential component of legal education. Despite recognizing the necessity of all such activities, not giving adequate flexibility and accommodation to these activities forming an integral part of legal education would run contrary to the purpose of the study of law.

222. It is necessary to acknowledge that there is enormous learning in moot courts, seminars, debates, practical training in Courts, internships, etc., for a law student. While a student is studying law as an academic subject, the other two dimensions of practical applications are learning through moot courts, internship, visits to courts, etc.

223. Thus, the holistic development of a law student to become an effective lawyer would itself be defeated if the second and third dimensions are ignored. The rigidity would, in fact, make a law student feel quite frustrated because the mere academic study of law would not be sufficient in dealing with legal problems that arise on day-to-day basis.

224. Visits to legal aid clinics, prisons, juvenile homes, Trial Courts, Registrar Courts, High Courts and even the Supreme Court open up the ambits of imagination of a law student in a manner which is unimaginable. The reading of the Constitution of India, or of the Civil Procedure Code from a bare act, though is extremely crucial, is still very different from seeing how an interim order is passed in the Court or the Fundamental Rights enshrined in the Constitution of India are given effect to in a particular case. Hence, if law students have to turn out to be holistic lawyers, flexibility in attendance is absolutely essential. To this extent, the study of law is different from other disciplines.

225. Consequences of non-appearance in examination and hence, detention, which is prescribed as the first and the only consequence of lack of attendance reveals an extremely non-pragmatic approach towards the study of law. Studying judgments in a library while engaging in discussions with the peers, moot court practise exercises and competition participations, internships and sharing of such experiences are all integral parts of legal education. In fact, moot courts and debate competitions themselves are so competitive in nature that if a student is selected for national and international level moot court, such student may not be able to attend the classes for a whole semester, despite being amongst the brightest students.

226. In such circumstances, the inflexible rule of barring a student from

appearing in the examination, in fact, results in manipulation of attendance rather than the honest declaration of attendance. In cases where there is shortage of attendance, the discretion has to be given to the teacher concerned or the Dean of the college to evaluate whether the particular student deserves to be detained due to lack of attendance or not. The teacher or Dean ought not to be forced to give false attendance of a student, only to enable the student to take the examination. Vesting of discretion in teachers, who are the first point of contact for most students, in such cases ought to be the norm, rather than implementing the inflexible rule of attendance.

227. Broadly, if the Constitution of the University or the authorities in any university are of the opinion that a student does not deserve to be detained on a holistic appreciation of the student's conduct in the college, the student ought to be permitted to take examinations.

228. Moreover, reformative measures such as weekly notifications of attendance, creation of mobile apps where the students can monitor their attendance on their own, providing access to resolutions such as extra classes, home assignments and permitting students to work in legal aid clinics require to be implemented to provide attendance benefits so that the student is not vested with grave consequences. While the study of law is a full-time course, the exigency which a student might face in a tech-driven era cannot be lost sight of while strictly imposing the attendance norms.

229. The possibility that students may themselves have medical complications or medical exigency in families or may be undergoing mental stress due to several external factors, are all different paradigms of human experiences which cannot be ignored while designing the attendance structures in our educational institutes. Thus, this Court is of the opinion that Rule 12 of the Legal Education Rules, 2008, is quite inflexible and surely requires the re-consideration of the BCI.

230. In view of the above position, it would be apposite to consider the different methodologies used by universities and colleges for dealing with shortage in attendance. After a review of the various affidavits filed by regulatory bodies, universities and educational institutions, this Court observes that mandatory attendance norms are prescribed in most institutions and disciplines. However, there are broadly three mechanisms by which shortage of attendance is dealt with:

(i) In case of shortage in attendance, there is detention of the student and the student is barred from appearing in the examination. This is clearly an extreme measure;

(ii) In case of shortage in attendance, various ameliorative steps are taken by certain institutions right from the inception in the following manner:

- Uploading of weekly attendance on a common portal which is regularly accessible to the students;

- Notification of attendance on a monthly basis to the student and the parents;
- Extra classes being provided for students who missed classes;
- Extra assessments to be completed by students to cover up the curriculum missed in unattended lectures.
- If the student still does not satisfy the attendance norms despite all the measures, then the student is barred from taking the examination.
- Even if the student is barred, instead of detention of student from proceeding to the next semester, supplementary examinations are held prior to the commencement of the next semester, provided some measures are taken by the student.

(iii) Several institutions are taking measures to reduce either the CGPA or the marks awarded, if the student is short of attendance.

231. In the opinion of this Court, the mechanisms at No. (ii) & (iii) above, would, in effect, mean that the student is not held back in a particular semester due to shortage of attendance. However, the student may lose the competitive edge by securing lesser in academics.

232. This may then encourage the student to attend classes in future so that such consequences are avoided, if the student wishes to maintain the competitive edge. Moreover, the student is also not forced into a state of depression or degrading mental health, owing to detention. Instead, the student simply faces a punishment in the form of reduction in grades for not maintaining the discipline in the form of attendance.

VIII. Summary and Conclusions:

233. This case arises out of the suicide of a young law student for which the blame has been attributed to mandatory attendance norms. Even if the same may not have been the only factor leading to the unfortunate incident, and was just a contributing factor, the loss of the life of a young boy could not have come at the behest of such norms.

234. As has been noted above, there are several other reported cases of suicides by students over the years which have been connected to mandatory attendance requirements, mental health crisis arising from the pressure to meet such attendance requirements and other related issues. These have also been recently highlighted and dealt with by the Supreme Court in two decisions. Amit Kumar (Supra) and Sukhdeb Saha (Supra).

235. Having heard at length the submissions of all stakeholders in this case over the course of hearings and having considered the stark realities that have come to the surface, this Court is strongly of the view that attendance norms for education in general, and legal education in particular, cannot be made so stringent, so as to lead to mental trauma, let alone death of a student.

236. University education begins for students at the prime time of their youth, where focus must be on academic excellence, coupled with holistic growth, which includes physical activities such as sports, extra-curricular activities such as dance, music, drama, art, as also building interpersonal relationships, social skills in preparation for a life that awaits them beyond the gates of the University.

237. Legal education does not merely require rote-learning or one-sided teaching. It has various dimensions to it, such as knowledge of law, practical application of the law as also implementation thereof. In order to obtain such holistic education, mere presence in classrooms is neither required, nor can be sufficient. The classroom education has to be coupled with practical training, knowledge of court systems, prison systems, legal aid, gaining practical experience through participation in moot courts, seminars, model parliament, debates, attending court hearings etc.

238. These activities need to be weaved in to the legal curriculum in a manner that ensures multi-dimensional learning and training of law students, which would not be possible with strict mandatory attendance requirements. Thus, sufficient flexibility in marking of attendance to promote participation in multifarious areas of learning in law school is essential to inculcate a growth mindset in budding law students.

239. The vision for education in India, both in the manner of teaching and learning, has drastically changed with the National Education Policy, 2020. The NEP, 2020 envisages multidisciplinary study, online classes, as also increasing virtual participation of students and teachers. The crux of both, the NEP and the extant 2003 UGC Regulations is flexibility and not rigidity. It is common knowledge that in today's day and age, the manner in which education is imparted through online classes, public domain video tutorials, etc., encourages and enables a growing number of youth to conceptually understand through these modes of learning. Such learning is, in fact, sometimes even better than classroom learning.

240. The purpose of classroom learning is not, however, to be deprecated. Classroom learning is meant to encourage discourse and discussion between teachers and students. It is also meant to create a space where there can be dialogue and engagement on various subjects. It has also been a consistent observation that students invariably attend lectures of teachers who make such lectures engaging and interesting. This ought not to be achieved by mandatory attendance norms, but by creating a space where feedback can be exchanged between teachers and students. Lectures which are engrossing automatically attract students, proving that attendance ought to be achieved by voluntary participation rather than by imposing rigid norms. In fact, by making attendance mandatory, the quality of teaching is not gauged as there are no feedback loops which tell teachers as to whether the students are engaging with the lectures or not.

241. Even with mandatory attendance norms, the harsh reality of practices such as proxy attendance in many institutions is well known. Detention due to non-adherence to mandatory attendance does not take into consideration the practical difficulties and compulsions that a large number of students face at University level such as financial distress, responsibilities of families, commute from far off places, difficulties of independent living, etc. Mandatory attendance norms also tend to curb creative freedom by forcing students to be in a particular space that too, sometimes without any value generation.

242. Bearing all the above factors in mind, there is a need to have a re-look and modify the manner in which mandatory physical attendance is to be perceived and how attendance norms need to be adapted with the changing times.

243. In the opinion of the Court, the BCI is the body which is vested with the powers to regulate legal education. But the same cannot be in digression with the overall vision as envisaged in the National Education Policy, 2020 which does not even mention mandatory attendance requirements for students, but in fact emphasises the same for teachers. Thus, Rule 12 of the Legal Education Rules, 2008, which bars students from being allowed to take the end semester exam without the minimum of 70% attendance, which can be reduced to 65% in exceptional circumstances, is not in line with the principles enshrined in the NEP, 2020 and is also contrary to the spirit of 2003 UGC Regulations which provides for flexibility. Moreover, the BCI has even gone a step forward by making attendance norms mandatory even for enrolment, which also deserves a re-look.

244. Such stringent rules that significantly result in hampering the mental health of young students, leading to drastic steps such as suicides would in fact impinge upon the Right to life itself.

245. The Right to appear in an examination can be curbed only on grounds and conditions which are reasonable and not arbitrary. The absolute bar against appearing in an examination without fulfilling mandatory physical attendance norms as contained in Rule 12 of the Legal Education Rules, 2008 is contrary to the spirit of the NEP, 2020, as also the 2003 UGC Regulations.

246. Instead of barring students from taking examinations, alternative and less stringent methods ought to be explored. The models followed by different institutions range from –

- (i) Mandatory attendance and barring in examinations;
- (ii) No mandatory attendance norms, example: BITS, Pilani;
- (iii) Imposition of reasonable conditions in case non-adherence to attendance norms, example: IIFT, Delhi.

247. This Court is thus of the opinion that mandatory physical attendance requirements need to be re-considered in the context of NEP, 2020 and the UGC Regulations which provide for flexibility in the mode of imparting education.

Specifically, in the context of legal education the mandatory physical attendance norms deserve to be modified.

IX. Directions With Respect To Grievance Redressal Committees (GRCs):

248. Under these circumstances, and in view of the above discussion, the following directions are issued:

(1) It would be mandatory for all educational institutions and Universities to constitute Grievance Redressal Committees in terms of the University Grants Commission (Redressal of Grievances of Students) Regulations, 2023 ("UGC Regulations, 2023"). Some of the models followed by various educational institutions, which are enumerated above, could also be considered while constituting the respective GRC.

(2) In view of the fact that GRCs are primarily for safeguarding interest of students including their mental health, the UGC would initiate consultations and consider amending the UGC Regulations, 2023 to:

(a) Modify the role played by the students in terms of the observations made hereinabove with student nominees constituting at least 50% of the total number of members.

(b) Students shall not be special invitees but effective and full-time members of the GRCs.

(c) Adequate representation shall be ensured for female, male and students of other genders, as deemed appropriate.

(3) The UGC Regulations, 2023 shall also provide that the Counsellors and therapists would be consulted by the GRC on a regular basis. Whenever the situation shall demand and to that extent a panel of Counsellors and therapists shall be maintained/retained by educational institutions and Universities.

(4) While the amendment of UGC Regulations, 2023 is pending, on all GRCs at least 2-3 student nominees shall be appointed as members.

(5) BCI, in exercise of its power to inspect, recognize and accredit centres for legal education under Rule 14 of the Legal Education Rules, 2008 shall amend the conditions of affiliation under Rule 16 to include the appointment of adequate number of Counsellors/Psychologists in the GRCs of the respective centres for legal education.

X. Directions With Respect To Mandatory Attendance Norms:

249. In view of the above discussion in respect of attendance norms, the following directions are issued:

(1) The Bar Council of India shall undertake a re-evaluation of the mandatory attendance norms for the 3-year and 5-year LLB courses in India in line with the above observations as also in line with the NEP, 2020 and also the 2003 UGC

Regulations which contemplate flexibility in attendance requirements. As part of this process, the BCI shall also incorporate modification of attendance norms to enable giving credit to moot courts, seminars, model parliament, debates, attending court hearings etc. In addition, ameliorative measures as contained below shall also be discussed and incorporated. BCI shall undertake a stakeholder consultation including students, student bodies, parents, teachers etc., for this purpose in an expeditious manner.

(2) In order to safeguard the life and mental health of students, keeping in mind the debilitating impact on students that detention or non-appearance in examinations, due to mandatory attendance requirements can have, while the consultations by the BCI are underway, it is directed in the interregnum, as under:

a. No student enrolled in any recognized law college, University or institution in India shall be detained from taking examination or be prevented from further academic pursuits or career progression on the ground of lack of minimum attendance;

b. No law college, University or institution shall be permitted to mandate attendance norms over and above the minimum percentage prescribed by the BCI under the Legal Education Rules;

c. Insofar as the mandatory attendance norms fixed by the BCI are concerned, all law colleges, Universities and institutions recognized which impart 3 years and 5 years LLB degree courses shall with immediate effect, implement ameliorative measures including–

i. Weekly notification of attendance of students through an online portal/ a mobile app including on the notice board;

ii. Monthly notice to parents/legal guardian/family members regarding any shortage in attendance;

iii. Conducting extra physical or online classes for such students, who do not fulfil the minimum attendance norms;

iv. Home assignments to be completed in lieu of shortage of attendance;

v. Stringent practical work in legal aid clinics or similar such bodies, duly certified, which can cover up the shortage of attendance during the semester itself. Such steps shall thus be taken during the semester itself.

vi. In terms of Rule 12 of Legal Education Rules, 2008, the attendance percentage shall be calculated on the basis of ACTUAL CLASSES HELD by the teachers.

vii. If at the end of a semester, a student still does not qualify the prescribed attendance norms, the college/University cannot bar the student from taking the examination. The student shall be permitted to take the semester examination,

however, in the final result for the semester, the grade of the student would be permitted to be reduced by a maximum of 5%, in case of marks being awarded and by 0.33% in case of the CGPA system being followed. Merely on shortage of attendance, promotion to the next BCI shall take into consideration the above measures as part of its consultation process while finalizing its norms for legal education.

(3) In terms of the assurance given by the BCI on 10th January, 2020, read with Rule 26 of Schedule III to the Legal Education Rules, the BCI shall also take steps to enable internships to be made available to all students, especially those students belonging to economically weaker background, remote areas, specially-abled students etc. who do not have resources to arrange the same. Accordingly, the list of senior advocates, advocates, law firms, regulatory bodies, government organizations, etc. who are willing to provide internships to students, shall be published by the BCI and the State Bar Councils on their respective websites within three months. The said list shall be periodically updated and published city wise by the BCI and State Bar Councils so that the students can apply for and obtain internships.

(4) The Circular No. BCI:D:5186/2024 dated 24th September, 2024 issued by the Bar Council of India in respect of Biometric attendance, installation of CCTV cameras etc. in all centres of legal education across India, shall not be given effect to.

250. The Court records its deep appreciation for the able assistance provided by Mr. Dayan Krishnan, Id. Amicus Curiae and all the Id. Counsels for the parties.

251. The intervening parties, including the family of the deceased student have exhibited enormous resilience and deserve to be commended for continuing to pursue the cause, despite the enormous tragedy which struck them with the demise of the student - Sushant Rohilla who has now left a permanent and indelible mark in the legal education space.

252. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of.